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# GENERAL LAWS

PASSED BY THE

# LEGISLATURE OF WISCONSIN

IN THE YEAR 1871,

TOGETHER WITH

## JOINT RESOLUTIONS AND MEMORIALS.

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*Published by Authority.*

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DS. OF MUS.

JUN 1 0 1970

W B Hyde

# LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers, and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of* 1854, *Chapter* 94.

## NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Lucius Fairchild | Governor | Madison | Dane. |
| Thaddeus C. Pound | Lieut. Governor | Chippewa Falls. | Chippewa. |
| Ed. E. Bryant | Private sec. gov. | Madison | Dane. |
| Ll. Breese | Sec'y of state | Portage | Columbia. |
| John S. Dean | Asst. sec. of state. | Madison | Dane. |
| Henry Bætz | State treasurer | Manitowoc | Manitowoc. |
| William Ketcham | Asst. state treas | Richland City | Richland. |
| Stephen S. Barlow | Attorney General. | Kilbourn City | Columbia. |
| P. L. Spooner | Asst. att'y gen'l | Madison | Dane. |
| Samuel Fallows | State sup't | Milwaukee | Milwaukee. |
| J. B. Pradt | Ass't. state sup't | Madison | Dane. |
| George F. Wheeler | State prison com'r. | Nanaupa | Fond du Lac. |
| O. M. Conover | State librarian | Madison | Dane. |
| A. A. Meredith | Supt. pub. prop'ty. | Madison | Dane. |
| DIST. | | | |
| 22. Baldwin, George | Senator | Chilton | Calumet. |
| 7. Belden, Philo | do | Rochester | Racine. |
| 18. Burchard, S. D. | do | Beaver Dam | Dodge. |
| 31. Cameron, Angus. | do | La Crosse | La Crosse. |
| 33. Clark, Satterlee | do | Horicon | Dodge. |
| 11. Colladay, W. M. | do | Stoughton | Dane. |
| 26. Davis, R. E. | do | Middleton | Dane. |
| 6. Deuster, Peter V | do | Milwaukee | Milwaukee. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Rood, Anson | Member of Assembly | Kilbourn City | Columbia. |
| Rounds, Wm. P | do | Menasha | Winnebago. |
| Rusch, William | do | Herman | Dodge. |
| Samuelson, Svend | do | Eaton | Manitowoc. |
| Sanderson, Thomas | do | Leeds | Columbia. |
| Semmann, John L | do | Milwaukee | Milwaukee. |
| Semple, Parlan | do | Waukechon | Shawano. |
| Sherman, Adelmorn | do | Janesville | Rock. |
| Smith, Hiram | do | Sheboygan Falls | Sheboygan. |
| Swain, George G | do | Kilbourn City | Columbia. |
| Thorn, Gerrit T | do | Fond du Lac | Fond du Lac. |
| Torgerson, Ole | do | Perry | Dane. |
| Trumer, Marcus | do | Rubicon | Dodge. |
| Vaughn, Samuel S | do | Bayfield | Bayfield. |
| Wagner, Joseph | do | Calvary | Fond du Lac. |
| Watts, James | do | Granville | Milwaukee. |
| Weil, Baruch S | do | Schleisingerville | Washington. |
| White, James S | do | Milwaukee | Milwaukee. |
| White, Samuel A | do | Whitewater | Walworth. |
| Thaddeus C. Pound | Lt. gov. & pres't sen. | Chippewa Falls | Chippewa. |
| Charles G. Williams | Pres't senate *pro tem.* | Janesville | Rock. |
| William E. Smith | Speaker of assembly. | Fox Lake | Dodge. |
| O. R. Smith | Chief clerk of senate. | Janesville | Rock. |
| J. H. Waggoner | Ass't clerk senate | Richland Center. | Richland. |
| E. W. Young | Chief clerk assembly | Prairie du Sac | Sauk. |
| W. M. Newcomb | Ass't clerk assembly | Darlington | La Fayette. |

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

# GENERAL LAWS.

## CHAPTER 1.

[*Published January* 14, 1871.]

**AN ACT to legalize an adjourned term of the circuit court in and for the county of Rock.**

PREAMBLE.

WHEREAS, The judge of the first judicial circuit adjourned the November term of the circuit court appointed to be held in and for the county of Rock from the 24th (twenty-fourth) day of December, A. D. 1870, and to the 16th day of January, 1871, and **Preamble.**

WHEREAS, The said county of Rock, by operation of law has since become a part of the twelfth judicial circuit, therefore

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The adjourned term of the circuit court in the twelfth judicial circuit, appointed to be held in and for the county of Rock on the 16th (sixteenth) day of January, A. D. 1871, is hereby legalized and made valid, and all motions, orders, judgments or other proceedings made or had at said adjourned term shall have the same force and effect as though the judge of the first judicial circuit had had full power and authority to adjourn the November term of the first judicial circuit appointed to be held in and for said county of Rock, to said 16th (sixteenth) day of January, A. D. 1871, and said adjournment so made by said judge is in all things hereby legalized and made valid. **Legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 13, 1871.

## CHAPTER 2.

[*Published January* 28, 1871.]

**AN ACT to confer certain powers upon the building commission appointed under chapter 39 of the general laws of Wisconsin for the year A. D. 1870, entitled "an act to provide for an additional institution for the insane."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May extend time.**

SECTION 1. The building commission appointed under said chapter 39 of the general laws of Wisconsin for A. D. 1870, are hereby authorized and empowered, if they deem it for the interest of the state, to extend the time for completing the building or buildings authorized under said chapter 39: *provided*, the same shall not be extended beyond the first day of September, A. D. 1872.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 26, 1871.

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## CHAPTER 3.

[*Published February* 3, 1871.]

**AN ACT to fix the time of holding court in the eleventh judicial circuit, and to provide for the appointment of special terms of court, and to dispense with grand and petit jurors at certain terms.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Time fixed.**

SECTION 1. From and after the 18th day of February, A. D. 1871, the general terms of the circuit court in and for the eleventh judicial circuit shall be held at the times hereinafter mentioned, to wit: in the county of Polk, on the second Monday of March and on the fourth Monday of September in each year; in

the county of Douglas, on the third Monday of June and on the second Monday of December in each year; in the county of Bayfield, on the first Tuesday after the second Monday of July and on the second Monday of January in each year.

**Return of writs, etc., not to be impaired.**

SECTION 2. All writs, summons, process, indictments, recognizances, continuances, motions, notices and other proceedings now subsisting in any suit or proceeding in the circuit court of the circuit aforesaid, and relating or being returnable to any subsequent general term of said court, shall be deemed to relate and to be returnable to the term next in course, in the proper county, under the provisions of this act, with force and effect in no wise impaired by reason of anything in this act contained.

**No jury to be summoned.**

SECTION 3. There shall be no grand or petit jury drawn, summoned or impaneled for the September term of the circuit court for the county of Polk, nor for the June term of said court for the county of Douglas, nor for the January term of said court for the county of Bayfield: *provided*, the judge of said circuit may in his discretion, by an order in writing, to be filed in the circuit court clerk's office of the county to be affected by said order, at least thirty days before the commencement of the term in this section mentioned for such county, direct the drawing and summoning of a grand and petit jury for such term in either of said counties, and thereupon a grand and petit jury shall be drawn, summoned and impaneled accordingly, as provided by law in other cases.

**Every regular term to be also a special term for other counties.**

SECTION 4. Every term of the circuit court held in the county of Douglas or Polk shall also be a special term at which any application or motion or trial by the court without a jury may be made, had or heard, and judgment, order or decision thereon be made or given in any action or proceeding at any time pending in any other county of said circuit than the one in which such special term shall be held: *provided*, that issues of fact (though triable by the court without a jury) arising upon the pleadings in actions or proceedings that may be pending in any other county of said circuit than that in which such special term shall be held shall not be tried at such term, unless the parties to such actions or proceedings shall, in person or by attorney, consent to such trial at such term. And every judgment, order

or decision that shall be made, rendered or given at any such special term, in any action or proceeding that shall be pending in any other county in said circuit than that in which such special term shall be held, shall be certified by the clerk of the circuit court of the county in which such special term shall be held, and transmitted to the clerk of the circuit court of the county in which the action or proceeding shall be pending, and shall be by the latter clerk filed in his office, and shall have the same force and effect, and shall authorize and warrant the same entries of record in his office as if such judgment, order or decision had been made, rendered or given at a regular term of said court held in his county.

**Special terms may be held by order of court.**

SECTION 5. A special term of the circuit court in said circuit, in addition to those provided for in the next foregoing section, shall be held for the transaction of all business not requiring the intervention of a jury, whenever and as often as the judge of said circuit shall direct by order specifying the time and place of holding such term, and file in the office of the clerk of the circuit court of the county in which such special term shall be appointed to be held. A copy of said order shall be published for two successive weeks (the first publication to be at least four weeks prior to the time fixed for holding such special term) in one newspaper published in each county of said circuit in which a newspaper shall be published. Such publication in each county shall be a county charge. All the provisions of the next foregoing section relating to special terms therein provided for shall apply to special terms that shall be held under the provisions of this section.

**Repealed.**

SECTION 6. So much of any law as specifies any other times for holding the general terms of the circuit court in said circuit than is by this act provided is hereby repealed. And section seven of chapter 231 of the general laws of the year 1864 is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after the 18th day of February, A. D. 1871.

Approved February 2, 1871.

# CHAPTER 4.

[*Published February* 4, 1871.]

**AN ACT concerning the terms of the circuit court of the twelfth judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. From and after the first day of February, 1871, the terms of the circuit courts for the several counties comprised in the twelfth judicial circuit of this state shall he held in each year as follows: for the county of Jefferson, on the first Monday of February, the fourth Tuesday of June, and the first Monday of September; for the county of Green, on the first Monday of March, the second Monday in July, and the first Monday of October; for the county of Rock, on the fourth Monday of April, the second Monday of August, and the Wednesday next succeeding the first Monday of November. **Terms fixed.**

SECTION 2. Every term of said circuit court in each of said counties shall respectively also be a special term for the whole of said circuit and for each of the other counties therein, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, not being the trial of an issue of fact, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of said special terms in the same manner and with the same force and effect as if the same were heard, tried, determined or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise, and when any causes or matters are pending in other counties different from the county in which the special term is held, the clerk of the court where said special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall be filed and the orders and judgments so obtained shall be entered by such clerk in the same manner as if said cause or matter had been heard or **Every regular term to be a special term for other counties.**

determined by the circuit court at a term thereof held in that county.

No jury to be summoned.

SECTION 3. No jury shall be summoned for either of the terms of the circuit court herein appointed to be held in the months of June, July and August, but said court shall have power at such terms to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury.

Judge may order venire for jury to be issued.

SECTION 4. The judge of said circuit courts, by rule or order to be filed in the office of the clerk of said court, in the county to be affected thereby, may direct that any venires for a grand or petit jury to be issued in either of said counties, be made returnable on any day later than the first day of the term of the court for which such jury is to be summoned, and such venires shall be made returnable by said clerk at the time specified therefor in such rule or order.

Return of writs, etc., not to be impaired.

SECTION 5. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively, in the said several counties respectively.

May appoint court commissioners.

SECTION 6. In each of the counties composing the twelfth judicial circuit, the circuit judge thereof may appoint as many court commissioners as he shall deem proper.

SECTION 7. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved February 3, 1871.

# CHAPTER 5.

[*Published February* 4, 1871.]

**AN ACT to authorize the appointment of phonographic reporters for the circuit courts for the counties of Rock, Green and Jefferson, in the twelfth judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May appoint phonographic reporters.**

SECTION 1. It shall be lawful for the judge of the circuit courts for the counties of Rock, Green and Jefferson, in the twelfth judicial circuit, to appoint one or more phonographic reporters for each of said courts, who shall be sworn officers of said courts, and shall be skilled in the art of short hand reporting, one of whom shall attend upon the said courts respectively, at each term thereof, when required by such court or the judge thereof so to do, and shall discharge such duties as the court or judge may direct.

**Their compensation.**

SECTION 2. The phonographic reporters shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding ten dollars per day for each day's attendance upon such court, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, that but one such reporter only shall be employed at the same time.

**May charge for copies.**

SECTION 3. In addition to the above compensation, the phonographic reporters may charge and collect as fees, ten cents per folio, (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcripts to be made, except in the trials of criminal cases, when the court may in its discretion, order such transcripts to be made, and then the costs for the same shall be certified, audited and paid for in the same manner as the reporter's per diem compensation. In such case the reporter's notes shall be written out in full and filed with the clerk of the court.

Reporters may be removed.

SECTION 4. The judge of the said courts may in his discretion, remove such reporters or either or any of them, and may fill any vacancy caused by such removal, or from any other cause.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 4, 1871.

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## CHAPTER 6.

[*Published February* 9, 1871.]

**AN ACT to amend section 3 of chapter 89 of the general laws of 1863, entitled "an act for the protection of boarding house keepers, and of livery stable keepers."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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SECTION 1. Section 3 of chapter 89 of the general laws of 1863 is hereby amended so as to read as follows: The keepers of a livery stable or boarding stable, or any person keeping or pasturing any stock shall have a lien upon the horses, mules, cattle or other stock kept by any such keeper or person, for the amount of the costs and charges of keeping, supporting and care thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1871.

## CHAPTER 7.

[*Published February* 13, 1871.]

**AN ACT to repeal chapter 174 of the general laws of 1869, an act entitled an act to amend chapter 49 of the general laws of 1866, entitled an act to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled "of costs and fees," and to revise [revive] and re-enact chapter 18 of the general laws of 1867, an act entitled an act to amend chapter 49 of the general laws of 1866, entitled an act to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled "of costs and fees."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 174 of the general laws of 1869, an act to amend chapter 49 of the general laws of 1866, entitled an act to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled "of costs and fees," is hereby repealed. **Repealed.**

SECTION 2. Chapter 18 of the general laws of 1867, an act entitled an act to amend chapter 49 of the general laws of 1866, entitled an act to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled "of costs and fees," is hereby revived, re-enacted and of full force. **Revived.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1871.

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## CHAPTER 8.

[*Published February* 14, 1871.]

**AN ACT to amend chapter 122, general laws, 1868, entitled "an act to provide for highways in recorded village plats."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That section one of said act be amended by adding immediately after the words, "public high- **Amended.**

way," of the last line of said section, "and to vacate any street or alley in such recorded plat upon petition signed by at least ten resident freeholders of said village."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1871.

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## CHAPTER 9.

[*Published February* 14, 1871.]

**AN ACT to regulate the time of holding the general terms of the circuit court for the sixth judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

**Terms fixed.**

SECTION 1. Section one of chapter two of the general laws of 1869 is hereby amended so as to read as follows: "The general terms of the circuit court for the sixth judicial circuit shall hereafter be held as follows: in the county of Clark, on the first Tuesday of March and the first Tuesday of September in each year; in the county of Jackson, on the second Tuesday of March and second Tuesday of September in each year; in the county of Monroe, on the fourth Tuesday of March and the fourth Tuesday of September in each year; in the county of Trempealeau, on the third Tuesday of April and the second Tuesday of October in each year; in the county of Buffalo, on the first Tuesday of May and the fourth Tuesday of October in each year; in the county of La Crosse, on the second Tuesday of May and the second Tuesday of November in each year, and in the county of Vernon, on the second Tuesday of June and the first Tuesday after the second Monday of December in each year."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1871.

## CHAPTER 10.

[*Published February* 14, 1871.]

AN ACT to amend section 1 of chapter 73 of the general laws of 1859, entitled "an act to change the name of the House of Refuge to that of the State Reform School," and to change the name of the State Reform School to the Industrial School for Boys.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 73 of the general laws of 1859 is hereby amended so as to read as follows: Section 1. The name of the House of Refuge of this state, located at Waukesha, is hereby changed to that of "the Wisconsin Industrial School for Boys," by which latter name it shall hereafter be known in all courts, places and appropriations. **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1871.

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## CHAPTER 11.

[*Published February* 15, 1871.]

AN ACT to provide for the apportionment of school moneys in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The boards of supervisors of those towns which have not raised by order of the county board of supervisors a sum sufficient to entitle them to an apportionment of school moneys for the year 1871, are hereby authorized to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction of the certificate of any town clerk that the **May transfer moneys from general to school fund.**

requisite amount has been thus transferred, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided the county boards had levied upon such town the amounts required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1871.

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## CHAPTER 12.

[*Published February* 15, 1871.]

**AN ACT to amend chapter 139 of the general laws of 1867, entitled "an act to reduce the price of swamp and overflowed lands in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. All the lands mentioned in section one of chapter 139 of the general laws of 1867, the price of which has been reduced by section three of said chapter, are hereby restored to, and shall be held for sale at the minimum price of one dollar and twenty-five cents per acre, with the amount of unpaid taxes added thereto.

SECTION 2. Section three of said chapter 139 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 14, 1871.

## CHAPTER 13.

[*Published February* 17, 1871.]

**AN ACT to protect the public against unauthorized insurance agents.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whoever solicits insurance on behalf of any fire, marine, inland, life or accident insurance company, or transmits for any person other than himself an application for insurance, or a policy of insurance, to or from said company, or advertises that he will receive or transmit the same, shall be held to be an agent of such company to all intents and purposes, unless it can be shown that he receives no commission or other compensation or consideration for such service.

**Shall be held to be an agent.**

SECTION 2. No corporation, association, partnership or individual, doing business in this state under any charter, compact or agreement involving any insurance, guaranty, contract or pledge for the payment of annuities or endowments, or for the payment of moneys to the families or representatives of policy or certificate holders or members, shall make such insurance, guaranty or contract therein or with any residents of this state, except in accordance with and under the conditions and restrictions of the statutes now or hereafter regulating the business of life insurance.

**Shall do all business of insurance under provisions of the statutes.**

SECTION 3. No officer, agent or sub-agent of any insurance company shall act or aid in any manner in transacting the business of insurance of or with such company, or placing risks, or effecting insurance therein, without first procuring from the secretary of state a certificate of authority so to do for each company for which he proposes to act, which shall state in substance that such company is duly authorized to do business in this state under the laws thereof, and that such agent or other person has duly complied with the laws relating to the agents of such companies. The secretary of state, upon being satisfied of the facts to be stated therein shall grant such certificate, which in

**Not to act without a certificate of authority.**

case of fire, marine or inland companies shall continue in force until the thirty-first day of January next after the date thereof, and in case of life or accident companies, until the first day of March next after the date thereof, unless sooner revoked by the secretary of state for non-compliance with the laws aforesaid, and shall be renewed on said days annually thereafter, as long as the company and its agents continue to comply with said laws.

Agents shall exhibit certificate.

SECTION 4. Every agent soliciting insurance shall exhibit his certificate of authority, when requested to by any person, and a refusal or failure so to do shall be presumptive evidence that such agent is doing business contrary to law.

Penalty for violating this act.

SECTION 5. Whoever violates the provisions of this chapter shall be punished by a fine not exceeding five hundred dollars, nor less than fifty dollars for each offense, which shall be sued for and recovered in the name of the state by the district attorney of the county in which the company or the agent or agents so violating shall be located or doing business, and one-half of said penalty when recovered shall be paid into the treasury of said county, and the other half to the informer of such violation. In case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof; such penalties may also be sued for and recovered in the name of the state by the attorney general, and when sued for and collected by him, shall be paid into the state treasury.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 16, 1871.

## CHAPTER 14.

[*Published February* 18, 1871.]

**AN ACT to require the constitution of the United States and the constitution of the state of Wisconsin to be taught in the common schools.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. From and after the first day of September, 1871, the constitution of the United States and the constitution of the state of Wisconsin shall be taught in all the common schools of this state. **Constitution to be taught.**

SECTION 2. The superintendent of public instruction shall prepare for publication a copy of the constitution of the United States and a copy of the constitution of the state of Wisconsin, with proper interrogatories suitable to be used as a text book in the common schools, and cause a sufficient number to be printed by the state printer, and half bound in sheep, to supply each school district with not to exceed six copies, at his discretion. **Superintendent of public instruction to procure copies.**

SECTION 3. Said books shall be distributed and kept in the manner provided by law for distributing and keeping Webster's dictionary. **How books distributed.**

SECTION 4. From and after the first day of September, 1871, every applicant for a teacher's certificate shall be examined in the constitution of the United States and the constitution of the state of Wisconsin, and before receiving a teacher's certificate shall reach a standard of attainment equal to that required in other branches of study. **Teachers to be examined in constitutions.**

SECTION 5. This act shall take effect and be in force from its passage.

Approved February 17, 1871.

## CHAPTER 15.

[*Published February* 18, 1871.]

**AN ACT to amend section one (1), chapter 128, general laws of 1867, entitled "an act to prevent minors from playing at billiards and on bowling alleys, and indulging in intoxicating drinks."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Add to section 1 of chapter 128 of general laws of 1867, as follows: "And any person not a keeper of any such above described place for the sale of liquor, who for the purpose of enabling any keeper of such place or any minor to evade this act, shall vend, sell, give, deliver, convey, transmit or send any spirituous, ardent and intoxicating or malt liquor or drinks in any quantity whatsoever to a minor, or shall in any way deal or traffic therein with a minor, shall be deemed guilty of a misdemeanor."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1871.

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## CHAPTER 16.

[*Published February* 18, 1871.]

**AN ACT to provide for the payment of fees to the witnesses for the defendant in criminal cases, the same as to the witnesses on behalf of the state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Defendants' witnesses to be paid fees.

SECTION 1. Witnesses for the defendant in criminal cases, tried before the circuit court or a justice of the peace, shall be paid the same fees by the county in which such cases are tried, and in the same manner as witnesses on behalf of the state are allowed and paid: *provided, however*, witnesses on behalf of the defendant

in such cases shall only be paid such fees by the county where they have been summoned by the order of the judge of the circuit court or justice of the peace, as the case may be, as provided in the next section.

SECTION 2. The judge of the circuit court or a justice of the peace may, in any criminal case, order such witnesses to be summoned on behalf of the defendant, in his discretion as he may deem proper and necessary, on proof of such necessity by the affidavit of the defendant or his attorney.

Judge or justice may order witnesses to be summoned.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 17, 1871.

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## CHAPTER 17.

[*Published February* 18, 1871.]

AN ACT to authorize the appointment of phonographic reporters for the circuit court of the several counties in the sixth judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for the judge of the circuit court of the sixth judicial circuit to appoint, from time to time, as the exigencies of business may seem to warrant, two phonographic reporters for the circuit court of each of the several counties in said circuit, who shall be sworn officers of the court for which they shall have been appointed, and who shall be skilled in the art of short-hand reporting, one of whom shall attend upon such court at each term thereof, when required by the court or judge thereof, and shall discharge such duties as the said court or judge may direct.

May appoint phonographic reporters.

SECTION 2. Such reporters shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding ten dollars per day for each day's attendance upon such court, when required by the judge thereof to attend, which shall be certified,

Their fees.

audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time.

Additional fees for copies.

SECTION 3. In addition to the above compensation, such phonographic reporters may charge and collect, as fees, ten cents per folio (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid for by the party requiring such transcript to be made. In the trial of criminal cases, the court may, in its discretion, order such transcripts to be made, certified, audited and paid for in the same manner as the reporter's per diem compensation. In such cases the reporter's notes shall be written out in full, and filed with the clerk of the court.

May be removed by judge.

SECTION 4. The judge of said court may, in his discretion, remove such reporters, or either of them, and may fill any vacancy caused by such removal, or happening from any other cause.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 17, 1871.

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## CHAPTER 18.

[*Published February* 18, 1871.]

AN ACT to provide for holding normal institutes in the state of Wisconsin, and to appropriate a certain sum of money for the purposes therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Normal institutes to be held.

SECTION 1. Normal institutes for the instruction of teachers shall be held each year in such counties of the state as may be designated by the state superintendent, with the advice of the board of regents of normal schools, preference being given to such counties as receive least direct benefits from the normal schools.

SECTION 2. Each of said institutes shall be held for at least four consecutive weeks, under the direction of the county superintendent, assisted by such person or persons as the state superintendent may appoint. How long to be held.

SECTION 3. The course of study pursued in said institutes shall, as far as practicable, be uniform, and shall be prescribed by the school superintendents of the counties in which said institutes are held, with the advice and approval of the state superintendent. Course of study.

SECTION 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum not exceeding two thousand dollars per annum, for the purpose of carrying out the provisions of this act, the same to be expended under the direction of the state superintendent and the board of regents of normal schools. Appropriated.

SECTION 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 17, 1871.

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## CHAPTER 19.

[*Published February* 20, 1871.]

AN ACT to amend chapter 117 of the laws of 1869, entitled "an act to provide for a system of county highways in Brown county, and for the adoption of such system by other counties."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The corporate authorities of any city, village or borough, and the board of supervisors of the several towns in any county adopting said system, shall have power to designate by resolution, upon what county highways in said county and upon what parts of any such highways, shall be expended all moneys raised in such cities, villages, boroughs or towns, respectively, in pursuance of the provisions of the act of which this is amendatory; and the overseer of May designate highways to be improved.

county highways in making contracts for the improvements of any such highways, shall be governed by such directions, as to the amount to be expended and the plans of improvements, as may be contained in the resolutions of the city, village, borough or town, which shall furnish money for such improvements: *provided*, that no part of the money raised as a highway fund in said county, shall be expended upon the streets of any incorporated city, village or borough: *provided*, that in case any incorporated town in Outagamie county shall have incurred indebtedness by reason of bonds legally issued to any railway company, it shall be lawful for such town to apply any part or the whole of said highway tax raised within such town, in discharge of such indebtedness.

If authorities fail to give notice, overseer may expend moneys.

SECTION 2. Should any city, village, borough or town, fail to give direction for the expenditure of the money raised therein, as contemplated by the first section of this act, for more than thirty days after the payment of the tax for any year to the county treasurer, and to give notice thereof to the overseer, he shall be authorized to expend the said moneys with the approval of the county board of supervisors, as provided in the sixth section of said act.

SECTION 3. This act shall take effect from and after its passage.

Approved February 18, 1871.

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## CHAPTER 20.

[*Published February* 20, 1871.]

AN ACT to amend section one of chapter 153 of the revised statutes, entitled "of liens of mechanics and others."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. That section one of chapter 153 of revised statutes shall be amended so as to read as follows: Every dwelling house or other building hereafter constructed, erected, repaired or removed; all

machinery hereafter erected in such a manner as to become a fixture within the state of Wisconsin, together with the right, title and interest of the person or persons owning such dwelling house, building or machinery in and to the lands upon which the same shall be situated, not exceeding forty acres, or if in the limits of any incorporated city or village plat, the lot on which such dwelling house, building or machinery shall be situated, not exceeding one acre, shall be subject to the payment of all debts contracted for or by reason of any work done or any material found or provided by any brick-layer, stone-cutter, mason, lime merchant, carpenter, plasterer, painter and glazier, lumber merchant, iron monger, plummer, electrician, gas-fitter, tinsmith or any other person employed in erecting or furnishing materials in the erection, construction, protection or repairing or removing of such dwelling house, building or machinery, before any other lien which originated subsequent to the commencement of such house, building or repairs or removal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1871.

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## CHAPTER 21.

[*Published February* 21, 1871.]

**AN ACT to consolidate and amend the laws relating to trespassing on state lands.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May appoint clerks for the protection of school lands.**

SECTION 1. The commissioners of school and university lands are hereby authorized and empowered to appoint such number of clerks, not exceeding four, as they may determine to be necessary, for the purpose of protecting the school, university, swamp and overflowed lands belonging to the state, or any lands in which the state may have an interest, legal or equit-

follows: On the second Monday of January, the first Monday of May, the fourth Monday of June and the first Monday of October in each year, each of which, except said term to be held on the fourth Monday of June, shall be jury terms, but for said term to be held on said fourth Monday of June, no jury shall be summoned.

Terms of county court fixed.

SECTION 2. The terms of the county court of Milwaukee county shall be held on the first Monday of January, the first Monday of February, the second Monday of March, the first Monday of May, the first Monday of June, the first Monday of September, the first Monday of October, the first Monday of November and the first Monday of December. No jury shall be summoned for either of said terms, except for those appointed to be held on the second Monday of March, and on the first Mondays of June, September and December.

Either court may adjourn.

SECTION 3. Either of said courts may adjourn its terms from time to time to any day occurring before the day appointed for its next ensuing term, and both of said courts may lawfully be held at the same time, in case the business in either shall not be fully transacted at the times appointed by law for the other to be held, or in case either may be adjourned to a day later than the first day of any term of the other: *provided*, that no term of either of said courts shall be continued beyond the day previous to the first day of the next ensuing term.

SECTION 4. This act shall be published immediately, and shall take effect from and after the 15th day of April next, but nothing in this act contained shall be construed to prevent the holding of the April term of said county court as now provided by law.

Approved February 28, 1871.

## CHAPTER 23.

[*Published February* 25, 1871.]

**AN ACT to amend chapter 117 of the revised statutes, entitled "of county courts," and to divest the county court of the county of St. Croix, of civil jurisdiction.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That so much of chapter one hundred and seventeen of the revised statutes as confers civil jurisdiction on the county court of the county of St. Croix, be and the same is hereby repealed, and all acts and parts of acts amendatory of said chapter, so far as they may confer or in any manner affect the civil jurisdiction of said county court are also hereby repealed, and said county court is hereby divested of civil jurisdiction. **Repealed.**

SECTION 2. The office of county judge of St. Croix county shall hereafter be a salaried office, and the provisions of chapter one hundred and twenty-one of the general laws of 1868, entitled "an act relative to the compensation of county judges," are hereby declared applicable thereto. **To be salaried office.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1871.

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## CHAPTER 24.

[*Published February* 25, 1871.]

**AN ACT to change and fix the time for holding the terms of the circuit court in the third judicial circuit of this state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The terms of the circuit court in and for the third judicial circuit shall hereafter be held as fol- **Time fixed**

lows: In the county of Marquette, on Tuesday next after the first Monday in January, and on Tuesday next after the last Monday of May; in the county of Green Lake, on the second Monday of January and the first Monday of June; in the county of Ozaukee, on Tuesday after the fourth Monday of January and Tuesday next after the third Monday in June; in the county of Dodge, on the fourth Monday in February and the second Monday in October; in the county of Washington, on the third Monday of March and on the second Monday of November; in the county of Winnebago, on Tuesday next after the second Monday of April, on Tuesday next after the first Monday of September, and on Tuesday next after the first Monday of December.

**Special term in Dodge county.**

SECTION 2. A special term of the circuit court shall be held in the county of Dodge on the second Monday of July, which shall be a special term for the whole circuit, and for every county therein.

**Every term to be special term.**

SECTION 3. Every term of court in said circuit shall be a special term for said circuit, and for every county therein.

SECTION 4. This act shall take effect from and after its passage, and the secretary of state is hereby required, within ten days after the passage of this act, to furnish the clerks of the several circuit courts in said counties in said circuit, and the circuit judge thereof, with a printed copy of this act.

SECTION 5. All acts or parts of acts heretofore passed, fixing the time for holding the terms of the circuit court in and for said circuit, are hereby repealed.

Approved February 23, 1871.

## CHAPTER 25.

[*Published February* 28, 1871.]

**AN ACT to fix the time for holding terms of the circuit court in the tenth judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The general terms of the circuit court for the tenth judicial circuit shall hereafter be held as follows: In the county of Brown, on the second Monday of September, on the second Monday of December and on the first Monday of April of each year; in the county of Oconto, on the first Tuesday after the third Monday of October, and on the first Tuesday after the third Monday of May of each year; in the county of Outagamie, on the second Monday of November and on the second Monday of March of each year; in the county of Shawano on the first Tuesday after the second Monday of January, and on the first Tuesday after the third Monday of June of each year; in the county of Door, on the first Tuesday after the second Monday of February, and on the first Tuesday after the second Monday of July of each year. **Terms fixed.**

SECTION 2. Every term of the said circuit court in the counties of Brown and Outagamie shall also be a special term for the whole of said circuit, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of the said special terms in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise; and when any causes or matters are pending in other counties, different from the county in which the special term is held, the clerk of the court where such special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall **Every term shall be a special term for the whole circuit.**

be filed and entered by such clerk in the same manner as if said cause or matter had been heard or determined by the circuit court at a term thereof held in that county.

No grand jury to be summoned.

SECTION 3. There shall be no grand jury summoned or empaneled for the December term of the circuit court for said county of Brown.

No jury for January term in Door county.

SECTION 4. There shall be no grand nor petit jury summoned or empaneled for the January term in Door county, nor for the June term in Shawano county, unless upon the order of the judge of said circuit, made and filed in the clerk's office of the county, at least fifteen days before the term. Such order so made and filed shall be sufficient authority for such clerk to draw and summons such grand and petit jurors, pursuant to the statutes in such case made and provided.

Judge of other circuits may hold term.

SECTION 5. The judge of any other judicial circuit of the state of Wisconsin is hereby authorized to hold any of the terms provided for in this act, when so requested by the judge of said tenth judicial circuit.

Special term in Brown county.

SECTION 6. There shall be one special term of the circuit court in Brown county in each year, to be held on the fourth Monday of January, at which terms, any business arising within the tenth judicial circuit which does not require the intervention of a jury may be heard and disposed of. No grand nor petit jury shall be drawn or summoned for said special term, and no notice of the holding of the same shall be required; and at such special term the issues of law and motions and all other business that may be transacted thereat, pending in any and every county in said circuit may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

SECTION 7: For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the orginal files and papers in such action, cause or matter. Such papers or files shall be by such clerk enclosed in an envelop, sealed by him, directed to the clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers or files or orders, all necessary postage therefor shall be paid by the party applying therefor; *and provided, further* that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid. **Clerk shall transmit papers**

SECTION 8. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively in the said several counties respectively. **All returns legalized.**

SECTION 9. Nothing in this act contained shall affect the existing law authorizing the holding of the term of the circuit court in Shawano county on the first Tuesday after the first Monday in February, eighteen hundred and seventy-one (1871), but the said term shall be held as now provided by law. **Not to affect February term in Shawano county.**

SECTION 10. Chapter thirty-nine of the private and local laws of 1866, and all acts and parts of acts conflicting with or contravening any of the provisions of this act, are hereby repealed, so far they conflict with or contravene the same. **Repealed.**

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1871.

## CHAPTER 26.

[*Published February* 27, 1871.]

**AN ACT to amend section 27 of chapter 15 of the revised statutes, entitled "of towns and town officers—powers and duties of towns."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 27 of chapter 15 of the revised statutes is hereby amended so as to read as follows: "All town officers shall be chosen by ballot, except overseers of highways, and the electors of each road district shall be entitled to elect their own overseers of highways in such manner as the said electors shall direct at any town meeting, and in case of a failure to so elect an overseer in any road district, the board of supervisors of the town in which such district is situated may appoint such overseer."

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved February 24, 1871.

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## CHAPTER 27.

[*Published February* 28, 1871.]

**AN ACT to amend chapter 130 of the general laws of 1868, an act entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

**Clerk to prepare statement.**

SECTION 1. Section 7 of said chapter 130 is hereby amended to read as follows: "Section 7. The clerk of the board of supervisors of each county shall annually, before the second Tuesday of November, prepare a statement of the latest statistics of population and [such]

other statistical information as may be in his possession, together with the town, city and village assessments for the current year of the several towns, cities and villages in his county, and lay the same before the county board of supervisors at their annual meeting in November. The board of county supervisors, at their annual meeting on the second Tuesday of November, shall carefully examine the statements furnished by said clerk, and the town assessments for that year, and shall determine and assess the relative value of all the property subject to taxation in each town, city or village in their county. They shall set down in a list of the towns, cities and villages, opposite the name of each, the value thereof so determined by them, which shall be the full value according to their best judgment. The list so prepared shall be certified to by the chairman and clerk of said board as the county assessment made by said board, and said clerk shall file the same in his office."

**Repealed.**

SECTION 2. Sections 8 and 9 of said chapter 130 are hereby repealed.

**Revived.**

SECTION 3. Sections 10 and 11 of said chapter 130 are hereby revived, re-enacted and declared to be in force.

**Town clerk to transmit copy of assessment roll.**

SECTION 4. Section 29 of said chapter 130 is hereby amended by adding to the end of said section the following: "And said town clerk shall within ten days after he receives said assessment roll and corrects the same, transmit a copy thereof to the clerk of the board of supervisors of the county."

SECTION 5. All acts and parts of acts in conflict with or contravening any portion of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1871.

## CHAPTER 28.

[*Published February 28, 1871.*]

**AN ACT to amend section one of chapter 110 of the general laws of 1868, entitled "an act requiring reports from unorganized banks and bankers."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

**To report semi-annually.**

SECTION 1. Section one of chapter 110 of the general laws of 1868 is hereby amended so as to read as follows: Every person, association of persons and body corporate, engaged in the business of banking, buying and selling exchange and receiving deposits, except such bodies corporate as are expressly authorized by the state or national banking law, shall report semi-annually in writing to the bank controller or to such state officer as banks organized under the general banking law of this state are now or may be required hereafter to render their reports; such report to be verified by the affidavit of such person or any member of such association or corporation, and to contain the total amount due depositors, the amount of funds on hand, the names of the person or persons interested in or carrying on said business, the total amount of the capital stock employed in said business, and such other items, so far as practicable, as bankers under the state banking laws are required to report.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1871.

## CHAPTER 29.

[*Published February* 27, 1871 ]

**AN ACT to authorize the judge of the eighth judicial circuit court for the state of Wisconsin to appoint a court commissioner in the county of Chippewa, in addition to those now authorized by law.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That the circuit judge of the eighth judicial circuit for the state of Wisconsin, is hereby authorized and empowered to appoint one court commissioner in and for the county of Chippewa in said circuit, in addition to the number now authorized to be appointed by law.

**May appoint court commissioner.**

SECTION 2. That the person appointed such court commissioner under this act shall have all the power and authority conferred by, and be subject to all the requirements under the laws relating to court commissioners in this state, and shall hold his office for the term of two years from the time of his appointment, unless removed by the court or judge of said court.

**Powers and term of office of commissioner.**

SECTION 3. This act shall take effect and be in force from and after is passage and publication.

Approved February 25, 1871.

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## CHAPTER 30.

[*Published February* 28, 1871.]

**AN ACT to prescribe the time for holding the terms of the circuit court for the county of Juneau, in the seventh judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. From and after the first day of July, 1871, the general terms of the circuit court in and for the county of Juneau, in the seventh judicial circuit

**Terms fixed.**

in this state, shall be held on the second Monday in October, and the second Monday in March in each year.

All returns legalized.

SECTION 2. All writs, summons, process, indictments, recognizances and other proceedings made returnable to the terms now fixed by law, shall be deemed and considered returnable to the terms as the same are prescribed by this act; and all adjournments, continuances, motions and notices of proceedings in the said court, made or taken to any term subsequent to the date when this act shall take effect, shall be held and taken for the time herein provided for the holding of the terms of said court.

SECTION 3. All acts or parts of any act, so far as they relate to the holding of the terms of the circuit court in said Juneau county, and contravene the provisions of this act, are for the purposes of this act hereby repealed.

SECTION 4. This act shall take effect and be in force from and after the fifteenth day of June, 1871.

Approved February 25, 1871.

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## CHAPTER 31.

[*Published March* 4, 1871.]

**AN ACT to amend chapter 126 of the general laws of 1869, entitled "an act to authorize certain counties, towns, cities and villages to aid in the construction of the Land Grant Railroad from Portage City and from Doty's Island to Lake Superior."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one (1) of chapter 126 of the general laws of 1869, entitled "an act to authorize certain counties, towns, cities and villages to aid in the construction of the Land Grant Railroad from Portage City and Doty's Island to Lake Superior," is hereby amended to read as follows: Section 1. It shall be lawful for the proper officers of any county through

May levy a tax and issue bonds

any portion of which any part of the railroad of the Wisconsin Central Railroad Company shall run, or any town or incorporated city or village in or near such county, to levy a tax upon all the taxable property in such county, town, incorporated city or village, to aid in the location and construction of any portion of such road, and for the purchase of right of way and depot grounds, and for like purposes to issue the bonds of any such county, town, incorporated city or village, in such sum or sums, and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village and the said Wisconsin Central Railroad Company, but no such tax (except a tax for the purchase of the right of way and depot grounds, and for location), shall be levied nor bonds issued by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village voting on the question shall first have voted in favor of such tax, or the issuing of such bonds in the manner hereinafter provided."

**Change of name not to affect issue of bonds.**

SECTION 2. All bonds or other securities which have heretofore been voted by any county, town, incorporated city or village, under the provisions of said chapter 126 of the general laws of 1869, to said railroad company under its name of Portage, Winnebago and Superior Railroad Company shall be issued and delivered to said company by and under its said name of Wisconsin Central Railroad Company, and such bonds or other securities so issued and delivered shall have in all courts and places and with all parties, the same force and effect as though the name of said company had not been changed, and the same had been issued and delivered to it under its name of Portage, Winnebago and Superior Railroad Company.

SECTION 3. This act is declared to be a general law, and as such shall be immediately published, and shall take effect and be in force from and after its passage.

Approved March 1, 1871.

## CHAPTER 32.

[*Published March* 4, 1871.]

**AN ACT to amend section 8 of chapter 137 of the revised statutes entitled "of evidence."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 8 of chapter 137 of the revised statutes is hereby amended by adding at the end of said section the following: "or if said witness shall be a member of the legislature of the state of Wisconsin, and said legislature shall be in session during the term of the court in which said member shall be required as a witness, or if said member shall be a member of any legislative committee, which committee shall by law be required to be in session during the recess of said legislature, his deposition may be taken as hereinafter provided: *provided*, said member shall voluntarily waive his privileges as secured to him by law."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1871.

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## CHAPTER 33.

[*Published March* 4, 1871.]

**AN ACT to amend section 20, chapter 130, general laws of 1868, entitled "an act to provide for the assessment of property for taxation and the levy of taxes thereon."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 20 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation and the levy of taxes

## CHAPTER 36.

[*Published March* 4, 1871.]

AN ACT to provide for the purchase of three hundered copies of Webster's Dictionaries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase, on behalf the state, three hundred copies of Webster's Unabridged Dictionary, at a cost not to exceed eight dollars per copy. **May purchase dictionaries.**

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions of chapters sixteen and thirty-two of the general laws of 1867. **How distributed.**

SECTION 3. There is hereby appropriated out of the income of the school fund a sum sufficient to pay for dictionaries above provided for. **Appropriated.**

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 2, 1871.

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## CHAPTER 37.

[*Published March* 6, 1871.]

AN ACT to amend section one of chapter 77 of the general laws of 1868, entitled "an act to provide for the incorporation of bible and literary societies."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 77 of the general laws of 1868, entitled "an act to provide for the incorporation of benevolent, bible and literary societies," is hereby amended so as to read as follows: "Section 1. Any number of persons, not less than five, may unite **Amended.** **May organize association.**

for the purpose of organizing an association for benevolent, literary, charitable, musical, boating, sailing, scientific, religious and missionary purposes, and for the distribution of the bible or parts thereof. They may sign and acknowledge before some proper officer authorized to take acknowledgment of deeds, a certificate in writing, in which shall be stated the name of such association, the names of the corporators and the name of the city, village, town and county in which the operations of such association are to be conducted. Such certificate shall be filed in the office of the register of deeds of the county in which the business of the association shall be carried on, and a duplicate thereof shall be filed in the office of the secretary of state."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1871.

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## CHAPTER 38.

[*Published March* 6, 1871.]

**AN ACT to repeal chapter 103 of the general laws of 1866 and other acts amendatory thereof, relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Repealed.**

SECTION 1. Chapter 103 of the general laws of 1866, and all acts amendatory thereof, (*be and the same*) are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1871.

# CHAPTER 39.

[*Published March* 6, 1871.]

**AN ACT to prepare the additional institution for the insane, at Oshkosh, for the reception of patients.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The additional institution for the insane, located at Oshkosh, shall hereafter be known and designated as the Northern Wisconsin Hospital for the Insane. **Name of hospital.**

SECTION 2. The board of building commissioners appointed in pursuance of chapter thirty-nine of the general laws of 1870 are hereby authorized and empowered to construct by contract, in the same manner as provided in sections seven, eight, nine, ten and eleven of said chapter, according to the plan adopted by said board and approved by the governor, all the wings on the north side of the central building: *provided*, the cost shall not exceed the sum of forty-four thousand dollars, in addition to the amount now remaining to the credit of said institution. **May construct wings.**

SECTION 3. The said board of building commissioners are also authorized and empowered to construct by contract as provided in section second of this act, the kitchen, laundry, boiler and engine building, to contain also necessary rooms for domestics, and to construct the necessary sewers for drainage, air ducts and reservoir for the supply of water, and to provide suitable heating apparatus so as to fully complete the said north wings of the institution and have the same ready for the reception of patients at the earliest practicable time. **May construct kitchen, etc.**

SECTION 4. The secretary of state is hereby authorized and empowered to audit the accounts of the said building commissioners at the same compensation allowed the locating commissioners in section three of chapter thirty-nine of the general laws of 1870; the accounts of said commissioners to be rendered in detail and verified by affidavit, and the secretary of state shall **Secretary of state to audit accounts.**

draw his order on the state treasurer for the amount so audited

Commissioners to take charge of lands.

SECTION 5. The said building commissioners are hereby authorized to take charge of the lands connected with the said institution for the insane, to prevent trespass upon the premises, and to improve and cultivate the same as they may deem essential to the interests of the institution and the state, and until the institution shall be completed, it shall be the duty of the building commissioners to make an annual report of their doings in the same manner and at the same time as the trustees of the other benevolent institutions of the state are now by law required to report.

Appropriated.

SECTION 6. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the following sums, to-wit: For the construction of the remaining north wings, forty-four thousand dollars; for the kitchens, laundry, boiler and engine building, forty-eight thousand five hundred dollars; for the sewerage, air ducts, and water supply, eight thousand dollars; for the heating, laundry and cooking apparatus, twenty-five thousand five hundred dollars: *provided*, not more than seventy thousand dollars shall be drawn from the state treasury under this act, and for the purposes therein named during the year 1871.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1871.

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## CHAPTER 40.

[*Published March 6*, 1871.]

**AN ACT to amend chapter nineteen of the general laws of 1870, entitled "an act to regulate the running of railway trains in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec. 1 amended.

SECTION 1. Section one of said chapter is hereby amended so as to read as follows: Section 1. Every

train of passenger cars drawn by one or more locomotives upon any railway track within this state shall come to a full stop before crossing or running upon any draw bridge over a stream which is regularly navigated by vessels propelled by steam, during the season when such stream is so used for navigation and the use of such draw is necessary for the passage of boats, vessels and other crafts navigating the waters of such stream, at a distance from such bridge of not more than six hundred feet. **Trains to come to full stop.**

SECTION 2. Section two of said chapter is hereby amended so as to read as follows: Section 2. Every conductor, engineer or other person having charge of the running of any such railway train, wilfully and knowingly violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding one year, or by both, as the court may direct. **Sec. 2 amended. Penalty for violating act.**

SECTION 3. Section three of said chapter is hereby amended so as to read as follows: Section 3. It shall be the duty of every railroad company, doing business in this state, or the officers thereof, to have a printed copy of this law posted up in every passenger depot in the state of Wisconsin, and every railroad company permitting their passenger trains of cars to run in violation of the provisions of this act shall forfeit and pay the sum of five hundred dollars for each and every violation, to be recovered in an action of debt, and it shall be the duty of the district attorney of each county, where there may be any violation of the provisions of this act, to sue for and recover the said penalty in the name of the state of Wisconsin, and the money when collected shall be paid over in like manner as is provided by law for the payments of fines and forfeitures in other cases. **Sec. 3 amended. Shall post up printed copy of act.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1871.

manner as districts are now required by section ninety-two of chapter eighty-one of the general laws of 1869, to certify to town clerks all school district taxes, an amount sufficient to liquidate annually the interest and principal aforesaid, which amount when so certified and the amount of any tax voted to be collected that year as provided in section three of this chapter shall be inserted in the tax roll of said town, and collected as other school district taxes are collected, and when so collected, shall be applied to the object herein specified, and no other, and any school district clerk who shall wilfully neglect to make the certificate as provided in this section, shall be deemed guilty of misdemeanor, and on conviction thereof, by any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the state prison not less than one year nor more than five years in the discretion of the court.

**All property within district to stand charged for payment of loan, and boundaries not to be changed.**

SECTION 5. All the taxable property in any school district obtaining a loan under the provisions of this act, shall stand charged for the payment of said loan and the interest thereon at the time and in the manner hereinbefore specified, and the boundaries of said school district shall not be so altered as to exclude therefrom any land included therein, at the time of making said loan until the loan hereby authorized shall be fully paid, and it shall be the duty of the town clerk of any town in which a joint school district obtaining a loan as aforesaid shall be situated, on or before the second Monday in September in each year during the continuance of said loan, to make and transmit to the secretary of state a certified statement of the valuation of real and personal property belonging to that part of any such joint school district lying within his town, according to the last assessment roll of said town, and it shall be the duty of the secretary of state at the time he shall certify to the clerk of the board of supervisors the amount of state taxes, also to certify to the town clerk of any town in which any school district or part of district shall be situated, having obtained a loan of money under the provisions of this act, the amount that shall be due or to become due for the year, of principal and interest of said loan, and the town clerk of said town shall thereupon insert

the amount so certified in the assessment rolls of said town, as a tax upon said school district or part of district without any further or other authority, to be collected and paid over to the town treasurer of the town where the school house is situated, out of the first money collected by him belonging to said district or part of district, and by said town treasurer paid to the county treasurer, and by the county treasurer paid to the state treasurer upon said loan.

If officers neglect to levy tax, attorney general shall serve mandamus.

SECTION 6. In case any officer shall neglect or refuse to perform any duty required of him by law in relation to the levy and collection of any tax required to be raised pursuant to the provisions of this chapter, to make any payment of principal or interest, it shall be the duty of the attorney general forthwith to apply to the supreme court for the issuance of a mandamus to compel the performance of such duty: *provided*, that the provisions of this section shall apply to each and every special act which does now or may hereafter authorize such loan to any school district.

How application to be made

SECTION 7. Application for the loan of school moneys under the provisions of this act, shall be made by the school boards of the respective school districts in writing, stating the amount required, and the total assessed valuation of the property of said district, together with a correct map or plat of said district, which shall be recorded in the office of the secretary of state, and said application shall be acted upon by the commissioners of school and university lands, in the order of time in which said applications are made and filed: *provided*, that bills now pending before the legislature, or which may be introduced prior to this bill becoming a law, shall have precedence in the order introduced upon application of such school districts, filed with the school land commissioners within thirty (30) days after the passage of this act.

Declared embezzlement.

SECTION 8. Any officer who shall receive under the provisions of this act, or under the provisions of any special act authorizing a loan to any school district of any money from the trust funds of the state, any money to be paid to the state treasurer, as payment of the principal or interest of any such loan, or any part thereof, and shall neglect or refuse to pay the same to the officer designated by this act to receive said moneys,

within twenty days after receiving the same, shall be deemed guilty of embezzlement.

Penalty for neglect of district clerk.

SECTION 9. Any school district clerk who shall wilfully neglect or refuse to certify an amount sufficient to liquidate annually the interest and principal as they become due from his school district, under the provisions of any special act upon any loan from the trust funds of the state, as required by this act authorizing such loan, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars, or more than five hundred dollars, or by imprisonment in the state prison not less than one year nor more than five years, in the discretion of the court.

Duty of attorney general.

SECTION 10. It shall be the duty of the attorney general to prosecute without delay, all offenses arising under this act, and of all district attorneys when called upon by him, to render him all needed assistance in such prosecution.

Duty of secretary of state.

SECTION 11. It is hereby made the duty of the secretary of state, and he is hereby authorized, in case of the neglect of any officer of the town or school district to do any duty required of him in this act, to do the same.

SECTION 12. This act shall take effect from and after its passage.

Approved March 3, 1871.

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## CHAPTET 43.

[*Published March* 6, 1871.]

**AN ACT relating to and amendatory of section six of chapter 160 of the general laws of 1859, entitled "an act to prescribe and limit the rate of interest."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Not to apply to contracts made since April 28, 1866.

SECTION 1. The provisions of section six of chap- one hundred and sixty of the general laws of 1859, entitled "an act to prescribe and limit the rate of in-

terest," shall not apply to any case where the contract was made since the 28th day of April, 1866, and no greater rate of interest than ten per cent. per annum was either directly or indirectly reserved, secured or taken thereby, whether such contracts have been made between individuals, or with banks or other corporations, nor shall any court declare any such contract void, or enjoin any prosecution or relieve from any judgment thereon, or order the same to be canceled and delivered up, except upon the recognized principles of equity jurisprudence.

SECTION 2. So much of any act as conflicts with this act is hereby repealed, and this act shall take effect from and after its publication.

Approved March 3, 1871.

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## CHAPTER 44.

[*Published March* 9, 1871.]

**AN ACT to authorize the appointment of a phonographic reporter for the 7th judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The judge of the seventh judicial circuit of the state of Wisconsin is hereby authorized and empowered, as he shall deem advisable, to appoint one or more phonographic reporters in said circuit to act in the several counties comprising said circuit or either of them. **May appoint phonographic reporter.**

SECTION 2. Such reporter shall attend each circuit court in said counties, when required by the judge thereof, and shall report such matters or proceedings thereof as shall be required by the court. **Reporter shall attend court.**

SECTION 3. Such reporter shall receive such compensation for each day's service in the court of said counties as shall be fixed from time to time by the judge of said circuit, not to exceed ten dollars per day for each day's actual attendance upon the court by the order of **His compensation.**

the judge thereof, which shall be certified to by the judge, and audited and paid by the respective counties aforesaid, in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, that only one reporter shall be employed at the same time, at the same term of court.

**Shall furnish copy.**

SECTION 4. Such reporter shall within a reasonable time after demand from any person, furnish a copy (to be written out in full) of any matter or proceedings by him so reported, for which copy he shall be entitled to receive, (to be paid in advance if by him so required) ten cents per folio.

**Shall take evidence in full.**

SECTION 5. Such reporter shall take the evidence in full in all cases referred to him by the court to take the evidence therein, and report the same (written out in full) to the court, and shall receive as a compensation therefor, the sum of fifteen cents per folio, to be taxed and paid as any other costs in the suit, the county under no circumstances to be liable therefor.

**Shall take and file oath.**

SECTION 6. Such reporter, before entering upon the duties of his office in any court, shall take and subscribe and file with the clerk of the court an official oath obligating himself to fairly and accurately report all matters and proceedings of every kind which he shall be required to report, and that whenever he shall furnish a copy thereof as herein required, he will furnish a true, accurate and correct copy thereof, to the best of his ability, and that he will discharge the duties of such reporter at all times, honestly, fairly, impartially, and to the best of his ability.

**Court not to wait for taking evidence.**

SECTION 7. Whenever any such reporter as aforesaid shall so take the evidence in any case on the trial thereof, the court shall not wait for the attorney or any other person to take the same.

**Reporter to furnish daily copies of evidence.**

SECTION 8. On the trial of any cause before a jury, such reporter shall at the opening of the court each morning furnish, if demand therefor is made, at or before the close of court on the day before, a copy written out in full of the evidence taken such previous day, or of the evidence of any particular witness or witnesses taken therein such day: *provided*, that such reporter shall not be required to furnish more than two copies, one to the plaintiff and the other to the defendant therein, and he shall receive as a compensation

therefor, fifteen cents a folio, to be paid in advance, if required by him.

SECTION 9. The judge of said circuit court, at his discretion, may remove any such reporter, and may fill any vacancy that shall occur by reason of removal or otherwise. **May be removed by judge.**

SECTION 10. It shall be the duty of such reporter, without compensation, when he shall report the evidence or testimony on the trial of any person for murder, to report the same in full, and to write the same out in full, and within two days after the close of the term of court at which such trial shall be had, to deliver the same to the clerk of such court, who shall file the same with the papers in such case; and whenever, on the trial of a murder case, the evidence or testimony shall be so reported, the judge of said court shall not be required to keep minutes of the evidence or testimony, as required by section four (4) of chapter one hundred and eighty-two (182) of the revised statutes, entitled "of pardons:" *provided*, the provisions of this act shall not apply to Adams and Waushara counties. **In trials for murder, reporter to furnish report of evidence without compensation.**

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1871.

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## CHAPTER 45.

[*Published March* 7, 1871.]

**AN ACT to amend section 1 of chapter 53 of the general laws of 1858, entitled "an act for the formation and protection of county agricultural societies."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 53 of the general laws of 1858 is hereby amended by adding to the end of said section, the following words: "any such society shall also have power to agree upon and fix a valuation to the aggregate of its property, and divide such aggregate valuation into equal shares, to issue to its members, respectively, certificates, specifying the **Amended**

number of shares of its property owned by the members to whom any such certificate is issued. Such certificates shall be signed by its president and secretary, and shall be transferable; and any member of any such society, who shall sell and transfer all his shares and interest in the property of such society, shall from thenceforth cease to be a member thereof."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1871.

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## CHAPTER 46.

[*Published March* 6, 1871.]

**AN ACT to provide for the payment of the state agent for the settlement of war claims against the United States.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Claim of W. W. Tredway to be paid.**

SECTION 1. The treasurer shall pay upon the warrant of the secretary of state to William W. Tredway for his services in seeking and procuring the settlement of war claims at the United States treasury, such sum as the governor, secretary of state and the attorney general shall certify to be reasonable and just, not exceeding the sum of twenty-seven hundred and tweny-four dollars, and the same to be in full of all the services heretofore performed by the said William W. Tredway for that object, and in full of all service in relation to any and all war claims against the United States treasury.

SECTION 2. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, a sum sufficient to carry this act into effect.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1871.

# CHAPTER 47.

[*Published March* 8, 1871.]

**AN ACT to amend chapter 107 of the private and local laws of 1867, entitled "an act to authorize the appointment of a phonographic reporter for the circuit courts of the counties of Milwaukee and Kenosha."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 107 of the private and local laws of 1867 is hereby amended so as to read as follows: It shall be lawful for the circuit courts of the counties of Milwaukee and Kenosha, and the county court of Milwaukee county, to appoint two phonographic reporters for each of the said courts, who shall be sworn officers of said courts, and shall be skilled in the art of short hand reporting, one of whom shall attend upon each of the said courts at each term thereof, when required by the court or the judge thereof so to do, and shall discharge such duties as the judge may direct. **Amended.** **May appoint phonographic reporters.**

SECTION 2. The phonographic reporters shall be allowed such daily compensation as shall be fixed by the judges of said courts, not exceeding ten dollars per day for each day's attendance upon each of said courts, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed in the same court at the same time. **Their fees.**

SECTION 3. In addition to the above compensation, the phonographic reporters may charge and collect as fees, ten cents per folio, (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcript to be made. In the trial of criminal cases, the court may in its discretion, order such transcripts to be made, certified, audited and paid for in the same manner as the reporter's per diem com- **Additional fees for copies.**

pensation. In such cases the reporter's notes shall be written out in full and filed with the clerk of the court.

Judge may remove reporters.

SECTION 4. The judge of each of the said courts may remove such reporters or either of them, for incompetency or neglect or refusal to properly perform their duties as such officers.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1871.

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## CHAPTER 48.

[*Published March* 10, 1871.]

AN ACT to amend chapter 24 of the general laws of 1870, entitled "an act to encourage the construction of railroads in this state."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec. 1 amended.

May procure call for special election.

SECTION 1. Section one of said chapter 24 is hereby amended so as to read as follows; "Whenever any railroad company chartered under the laws of this state shall determine to build a railroad under their said charter, they may procure a call for special town meetings in the towns, cities and villages or any of them, near to or through which they propose to run their said line of road. Said meetings shall be called in the same manner as now provided for calling special town meetings in this state."

Sec. 2 amended.

Clerk to give notice of election, and form of ballot, etc.

SECTION 2. Section two (2) of said chapter is hereby amended so as to read as follows: "The town clerk or the clerk of the city or village, as the case may be, shall upon the same requisition, give the same notice of any such election, and of the business to be transacted thereat, and in the same manner as is now provided for by law in case of special business at special town meetings. Said notice shall also specify the point or points in the town, village or city to which said railroad shall be built, the amount of the subscription to be made and of the bonds proposed to be issued, the

length of time they are to run, the amount that shall be paid thereon each year during the time they have to run, the rate of interest they shall bear, the railroad for whose stock they are to be used, when to be delivered, where to be made payable, and when the railroad is to be completed to a certain point. At such election, those voting in favor of the proposition shall deposit a ballot containing the words, "for the railroad," and those voting against it shall deposit a ballot containing the words, "against the railroad." The election shall be conducted and the votes shall be canvassed and certified and recorded in the same manner as the votes given at the annual town, city or village elections. And if a majority of the votes cast at such election shall be "for the railroad," subscriptions shall thereupon be made to the capital stock of said company by the chairman of the board of supervisors of the town, the mayor of the city, or the president of the village, as the case may be: *provided*, that a majority of all the votes cast shall be in favor of such aid, and shall be equal or not less than a majority of the votes cast at the next preceding annual town meeting in such town. It shall not be lawful to strike from any such town, city or village, any of its territory while such bonds shall be outstanding and unpaid, and the issuing of such bonds shall be deemed a contract that territory of such town, city or village shall not be diminished while such bonds shall be unpaid in whole or in part."

**Sec. 3 amended.**

**Execution, issue and delivery of bonds.**

SECTION 3. Section three (3) of said chapter is hereby amended so as to read as follows: "Such bonds shall, according to the purpose for which their issue is authorized, as in the preceding section and elsewhere in this act, be delivered in payment at par, for shares of stock subscribed for by any such town, incorporated city or village, when all the conditions precedent on the part of such company, as in this act provided, shall have been performed. They shall be signed by the chairman of the board of supervisors and town clerk of the town, the mayor and clerk of the city, or the president and clerk of the village, as the case may be, voting the same, with annual interest coupons attached in the usual form. Said bonds shall be made out and signed as above provided when said road is located and the line recorded or placed on file in the town, village or city clerk's office of the town, vil-

lage or city in which it was stipulated it should run, describing at least each section over which said line runs, and the said bonds shall be deposited with some custodian to be agreed upon by the president of said railroad for whose stock they were voted, and the supervisors of the town, president of the village or mayor of the city; and the said custodian is hereby required to turn over to said railroad company, said bonds when the said company have finished the road to the point or points agreed upon and named in the call for the special town meeting voting the same, and not before; all the conditions upon which they are issued shall be stated therein. There shall also be endorsed upon the back of each a certificate of registry, to be signed by the secretary of state. The shares of stock in such railroad company thus taken by said towns, cities or villages, and all dividends arising therefrom are hereby pledged, while they remain the property of such town, city or village for the payment of the principal and interest of the bonds delivered for such stock. And the supervisors of the town, trustees of the village or aldermen of the city may contract to sell such stock and transfer the same to any purchaser, and the proceeds of such sale shall be applied to the payment of the interest and principal of such bonds, and for that purpose the same shall be immediately deposited by the officer receiving the same, with the state treasurer, and said town, city or village, credited therefor, to be used by him in connection with or in lieu of the other funds standing to the credit of such town, city or village. The board of supervisors of the town, common council of the city or trustees of the village, as the case may be, shall annually, or as often as there shall be a vacancy, appoint one railroad comissioner, whose duty it shall be after the bonds have been issued to the railroad company, to attend the meetings of the stockholders of such company, and he shall be entitled to cast one vote for each share of stock owned by such town, city or village, in the election of directors, and on all questions, and shall in all other respects be treated as a stockholder therein while he so represents such town, city or village."

Sec. 4 amended.

State treasurer, to credit tax and license fee

SECTION 4. Section four (4) of said chapter is hereby amended so as to read: "And whenever any town, incorporated city or village shall have created a debt

as aforesaid, it shall also be lawful for the state treasurer, and he is hereby required, immediately upon receiving the annual state tax or license fee from the railroad or railroads, for the purchase of whose stock such debt shall have been created by any such town, incorporated city or village, to place to the credit of such towns, incorporated cities or villages, on any one line of railroad, so having incurred such indebtedness, in the state treasury annually, for and during the full term of the existence of such indebtedness or any part thereof, the whole amount so received, and in such proportion to each of such towns, incorporated cities or villages, on any one line, as shall be in an equal ratio to the whole of such indebtedness originally incurred by each."

**of railroads to towns which have taken stock.**

SECTION 5. So long as the tax or license fee upon any railroad or railroads, or parts thereof hereafter built in this state, shall be needed for the purpose of being used in the payment of any indebtedness incurred for its construction by any town, city or village, as contemplated in this act, and as directed by section four to be applied by the state treasurer for that purpose, and no longer, a tax or license fee of five percentum on the gross earnings, instead of the rate at present authorized by law, the additional two per cent. being in consideration of the bonds issued by the several towns, cities or villages in aid of said railroad, and shall be collected from each, under the same laws and regulations as now apply to the collection of the present rate of state tax or license upon railroads.

**Five per cent. tax to be paid on gross receipts of railroads.**

SECTION 6. And the clerk of any such town, city or village, upon the issuing of the bonds in the payment of such subscription to the stock of any such railroad company, shall make a registration thereof in a book to be kept for that purpose in his office, showing the date, amount, number, maturity and rate of interest of such bonds, and to what railroad company the same were delivered. And the said bonds so issued and still unpaid, in order to receive the benefits of this act, shall each be registered by the holder thereof in the office of the secretary of state, who shall cause the same to be registered in a book to be kept for that purpose. Such registration shall show the date, amount, number, maturity and rate of interest of each of such bonds, under what act and by what town, city or village the

**Clerk to make registration of bonds issued.**

same was issued, and the secretary of state shall under his seal of office, certify upon each of such bonds the fact of such registration, for which registration and certificate he shall be entitled to a fee of twenty-five cents, to be paid by the holder of said bond.

Town clerk to make certificate of value of taxable property.

SECTION 7. In all cases when any town, incorporated city or village shall issue bonds under the provisions of law, and be entitled to the benefit of this act, it shall be the duty of the town clerk of such town, or other proper officer of such incorporated city or village in whose office the assessment rolls of such town, city or village are or shall be when completed, within five days after such completion, to make out and transmit to the secretary of state, to be filed in his office, a certificate stating the total value of all taxable property, real and personal within such town, incorporated city or village, as exibited by such assessment.

Sec. 8 amended.

Secretary of state shall ascertain amount of interest and principal due.

SECTION 8. Section eight (8) is hereby amended so as to read as follows: "When any such bonds of any town, incorporated city or village shall be registered as in this act provided, the secretary of state shall annually ascertain the amount of interest and principal for the current year, due and accrued and to accrue upon such bonds, and from the amount so ascertained he shall deduct the amount in the state treasury placed to the credit of such town, incorporated city or village, as herein provided and directed, and from the basis of the certificate of valuation of property, hereinbefore provided to be transmitted to him, or in case no such certificate shall be filed in his office, then upon the basis of the total assessment of such town, incorporated city or village, for the year next preceding, he shall estimate and determine the rate per centum on the valuation of property within such town, incorporated city or village, requisite to satisfy the amount of interest and principal, due and to become due within the year, and unprovided for, together with the ordinary costs to the state for collection and disbursement of the same, to be estimated by him; and he shall make and transmit to the clerk of such town, incorporated city or village, or other proper officer whose duty it is or shall be to prepare the estimate and books for the collection of state taxes in such town, incorporated city or village, a certificate stating such estimated requisite per centum for such purpose, to be

filed in his office, and the same per centum shall thereupon be deemed added to and be a part of the per centum which is or may be levied, as provided by law for purposes of state revenue, and shall be treated by such clerk or officer, in making such estimates and books for the collection of taxes; and the said tax shall be collected with the state revenue, and all laws relating to the state revenue shall apply thereto, except as herein otherwise provided."

Sec. 9 amended.

State to be custodian of taxes collected.

SECTION 9. Section nine (9) is hereby amended so as to read as follows: "The state shall be deemed the custodian of the several taxes so collected and credited to such town, incorporated city or village, and shall not be deemed in any manner liable on account of any such bonds, except to the extent of the money received for their payment under the provisions of this act. The state shall annually collect in lawful money, all the said taxes to be placed to the credit of such town, incorporated city or village as aforesaid, for and until the bonds are fully paid, and shall apply the same when collected to the payment of the principal and annual interest on such registered bonds of such town, incorporated city or village, and for and during the remainder of the term of years during which such registered bonds shall remain unpaid. The funds provided for in section four of this act, accruing from taxes or license fees, collected on the property or earnings of said railroad or railroads, and the surplus of the other funds in this act provided, remaining after the payment of the interest on the bonds, shall be applied to the payment of the principal of said registered bonds, as herein provided, at the office of the state treasurer, and the interest coupons and bonds, when fully paid shall be returned to the office of the state treasurer and shall be canceled and destroyed."

Sec. 10 amended.

Bonds not to be registered till road is completed.

SECTION 10. Section ten (10) is hereby amended so as to read as follows: "And it shall not be lawful to register any bonds under the provisions of this act, nor to receive any of the benefits or advantages to be derived therefrom, until after the railroad for the purchase of whose stock said bonds were issued shall have been completed to such point as may have been agreed upon, near to, into, or through such town, incorporated city or village, and cars shall have run thereon, and none of the benefits, advantages or provisions of this

act shall apply to any debt unless the question of making the subscription to the stock of such railroad company shall first have been submitted to an election of the legal voters of such town, incorporated city or village, as hereinbefore provided. And it is hereby further provided, that when any bond or bonds issued under the provisions of this act shall have been turned over to any railroad company, as provided herein, and registered by the secretary of state as required in this section, such possession and registration shall be taken as complete and sufficient evidence in law and in equity, that all the forms, conditions and requirements of this act have been complied with."

SECTION 11. Section eleven (11) of said chapter 24 is hereby stricken out.

Sec. 12 amended.

Limitation of amount of bonds to be issued.

SECTION 12. Section twelve (12) of said chapter is so amended as to read, "section 11," and also to read: "This act shall be construed to authorize and provide for the payment and the registry by the secretary of state, of bonds issued in payment of subscriptions to the capital stock of any such railroad, to the extent of five thousand dollars per mile and no more in the aggregate of its entire length within this state; also to provide that the amount of stock which any one town, city or village votes for or subscribes shall not exceed its equal proportion according to the equalized value of the property of the several towns, cities and villages through which the railroad or such portion thereof as is to be built within a fixed time, under a single agreement, passes. And it is further provided, that instead of voting $5,000 per mile as herein authorized, any town, city or village may vote to subscribe to the capital stock of any railroad or parts thereof in this state (hereafter to be built), to the amount of five per cent. on the assessed value of the property in said town, village or city, into or near to which said road may run, or any other sum not exceeding said five per cent., to be collected in the same manner as provided in section eight of this act, and such other sections as may be necessary thereto, and when so collected (and at such times as provided in section two of this act) shall be paid upon said bond or bonds as in this act provided."

Sec. 13 amended.

Bonds to be numbered as issued.

SECTION 13. Section thirteen (13) of the said chapter is hereby amended so as to read: "Section 12. The bonds of each and every town, city and village, issued

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER 55.

[*Published March* 10, 1871.]

**AN ACT to amend section 20 of chapter 141 of the revised statutes, entitled, "actions for the recovery of real property."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 20 of chapter 141 of the revised statutes, entitled "actions for the recovery of real property," is hereby amended so as to read as follows: The court in which such judgment shall be rendered, at any time within one year thereafter, upon the application of the party against whom the same was rendered, his heirs or assigns, and upon payment of all costs recovered thereby, shall vacate such judgment and grant a new trial in such cause: *provided, however*, that before any such new trial shall be granted, the party or parties applying for such new trial shall file an undertaking, in such sum as the court shall direct, with two good and sufficient sureties, who shall each justify on oath, his responsibility in like manner as upon bail on arrest, conditioned to pay all costs and damages, including the mense profits that may be awarded against such party or parties, on the final determination of said cause, but no more than one new trial shall be granted under this section.

**Amended.**

**Court may vacate judgment and grant new trial.**

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 8, 1871.

# CHAPTER 49.

[*Published March* 8, 1871.]

**AN ACT to authorize the circuit judge of the fourth judicial circuit for the state of Wisconsin, to appoint a court commissioner in the village of Waupun, in addition to those now authorized by law.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May appoint court commissioner.**

SECTION 1. The circuit judge of the fourth judicial circuit for the state of Wisconsin is hereby authorized and empowered to appoint one court commissioner who may or shall reside within the corporate limits of the village of Waupun, in either Dodge or Fond du Lac county, in addition to the number now authorized to be appointed by law in either of said counties: *provided*, that this section shall not be so construed as to authorize the appointment of more than one court commissioner in said village.

**Powers of the commissioner.**

SECTION 2. The court commissioner thus appointed shall have all the powers and authority conferred by law on court commissioners in this state, and be subject to all the requirements that by law other court commissioners in this state are subject. And said court commissioners appointed by authority of this act shall have full power and authority to do anything in relation to any subject or matter in either of said counties of Dodge or Fond du Lac, the same as though he were at the time a resident of that part of said village of Waupun lying and being in the county in which the party or parties or subject matter to be affected by his proceedings may reside, be or be located, and the same as though he were appointed in said county by the circuit judge having jurisdiction over the same. And he shall return to the circuit court of the proper county all writs, orders or proceedings of whatsoever kind or nature, concerning any person, matter or thing affected thereby, which by law it would be his duty to do if he were at the time a court commissioner appointed in said county by the circuit judge having jurisdiction over the same, and in which the person, matter or thing may be or be located, and all his doings

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER 58.

[*Published March* 10, 1871.]

**AN ACT to amend section one of chapter 105 of the general laws of 1870, entitled "an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 105 of the general laws of 1870, entitled "an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant," is hereby amended so as to read as follows: "No person shall catch, kill or otherwise destroy, or have in his possession, or expose for sale, any woodcock, in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette, Grant, Winnebago, Fond du Lac, Dane, Green Lake, Waupaca or Waushara, between the fifteenth day of November and the succeeding fourth day of July in each year, nor any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, between the fifteenth day of November and the succeeding twentieth day of August in each year, under a penalty of ten dollars for each such game bird caught, killed or otherwise destroyed, or had in possession or exposed for sale." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

How business to be conducted.

lows: "The business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, except that when there are two or more general partners, the firm name may consist of the name or surname of one, or of the surnames of more than one of such general partners, with the addition of the words, "and company," or "& Co.;" and if the name of any special partner shall be used in such firm with his privity, he shall be deemed a general partner. Such partnership shall put up in some conspicuous place on the outside, and in front of the building in which it has its chief place of business, some sign on which shall be painted in legible English characters, all the names of all the members of such partnership, designating the special partners."

SECTION 2. This act shall be published immediately, and take effect from its publication.

Approved March 4, 1871.

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## CHAPTER 51.

[*Published March* 10, 1871.]

**AN ACT to amend chapter 121 of the revised statutes, entitled "of the jurisdiction of justices of the peace in criminal cases, and proceedings therein."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. That section 33 of chapter 121 of the revised statutes, entitled (*an act*) "of the jurisdiction of justices in criminal cases and the proceedings therein," be amended by adding to said section, at the end thereof, the words: "*provided*, that in no action commenced under this chapter, except where the same is ordered by the district attorney for said county in which the same is brought, shall the justice be entitled to recover any fees or compensation for his services therein from the county, unless the county board of supervisors shall be satisfied that the same ought to be paid by the county."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER 52.

[*Published March* 10, 1871.]

**AN ACT in relation to actions for the recovery of real property.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions for the recovery of specific real property, or of the possession thereof, it shall be lawful to join as defendants any person or persons claiming title thereto and the actual occupants thereof, or of some part or parcel thereof, holding as tenant or tenants under such person or persons claiming title, and such joinder shall in no case be held to be a misjoinder of defendants in such an action. If upon any trial hereafter had of such an action brought against several defendants, it shall appear that any of the defendants occupy distinct parcels of the premises in severalty or jointly, while other defendants occupy other parcels in severalty or jointly, and it shall appear by affidavit of any such defendant, that he has a separate and distinct defense in such action which his co-defendants do not have, then the court may award a separate trial to any such defendant as the justice of the case may require, and several judgments may be rendered on the verdicts found, according to the rights and interests of the parties; otherwise the trial may proceed against the several defendants, and a joint or separate verdict may be found according to the rights and interests of the different parties, and separate judgments may be rendered on such verdicts, where it may be necessary. **Who may join as defendants.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1871.

estimated and certified by the said presiding judge, and when so certified, shall be forthwith paid under the order of the court, by the party in whose behalf the same were ordered, and the amount so paid shall be allowed and taxed as disbursements in said cause, in case the same shall be appealed. Said transcript when paid for shall be filed in said court with the papers in the cause, subject to be used by the respective parties as the court shall direct. In case of failure to pay said charges for said transcript upon such order of the court, the parties so failing may be proceeded against by attachment as in other cases for non-compliance with the order of the court, and in trials upon indictment or information, the court may order a transcript to be made in case of conviction, and the charges for the same shall be audited and paid for in the same manner as the reporter's per diem compensation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER 62.

[*Published March* 10, 1871.]

**AN ACT to amend chapter 141 of the general laws of 1858, entitled "an act relating to transcripts of justices' judgments."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 1 of chapter 141 of the general laws of 1858, entitled "an act relating to transcripts of justices' judgments," is hereby amended so as to read as follows: "Section 1. In all cases when execution upon justices' judgments has been or shall be stayed, the justice in giving transcripts of such judgments shall state in such transcripts the fact that execution was stayed, and the name of the person who entered into the recognizance for that purpose; and upon such transcript being filed in the office of the clerk of the circuit court as provided by any law of this

**Stay of execution to be noted on transcript.**

state, it shall be the duty of such clerk to enter such judgments as well against the person appearing to have entered into such recognizance as the persons against whom such judgments were rendered by the justice; and every such judgment from the time of filing such transcript, shall have the same lien on the real estate of the person appearing to have entered into the recognszance, as against the real estate of the person against whom judgment was rendered by the justice, and may be enforced and carried into execution against both the principal and the said bail, in the same manner and with the like effect as the judgments of such circuit courts: *provided*, that no execution shall be issued against the said bail before the expiration of five years from the entry of said judgment, unless an execution shall have first been issued against the principal judgment debtor or debtors, and returned unsatisfied in whole or in part."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1871.

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## CHAPTER 63.

[*Published March* 10, 1871.]

**AN ACT to provide for the payment of the sergeant-at-arms of the senate session of 1870, and of the witnesses subpœnaed by him to testify before special railroad committee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The sergeant-at-arms of the senate session of 1870 shall receive and be paid a compensation (for the distance actually traveled by him, going and returning to subpœna witnesses, under order of the senate, to appear before special railroad committee,) the sum of one hundred and two dollars and sixty cents, being ten cents per mile. **Mileage for subpœnying witnesses.**

SECTION 2. The following named witnesses subpœnaed by the sergeant-at-arms of the senate session of **Names of witnesses and amount of fees.**

ury, on the order of the board of supervisors, from the moneys collected as hereinafter provided.

If highway benefited by drain, amount to be paid by town.

SECTION 8. In case where any public highway in the town will be benefited by the construction and opening of any such ditch, drain or water course, the supervisors shall determine the amount of such benefit, which amount shall be paid by the town and applied in the construction, and deducted from the aggregate or entire cost of constructing such ditch, drain or water course, and the supervisors shall then proceed to assess the remainder of such cost of construction, upon the owner or owners of the lands to be directly benefited by the construction of such ditch, drain or water course relatively, upon each piece or parcel of land, in proportion to the benefits to be derived by such piece or parcel of land, from the construction and opening of such ditch, drain or water course, and the same shall be so assessed upon all the owners of the lands so benefited, or upon the land when the owner is not known, whether the said water course when constructed will run through or across the lands so assessed or not, if such lands are in the judgment of the supervisors benefited by such construction, and in case where no amount is assessed against the town, then and in that case, the supervisors shall assess the entire cost of construction upon the lands benefited as hereinbefore provided, but in no case shall the whole amount so assessed exceed the total cost of construction, as defined in section seven of this act.

Proceedings for assessment of benefits and damages.

SECTION 9. The supervisors of any town, whenever they shall have determined the entire cost of constructing any ditch, drain or water course, under the provisions of this act, and shall have ascertained the respective proportion or part of such cost in their judgment justly chargeable to each piece or parcel of land benefited by such construction as provided in section seven of this act, shall make out a certificate of such determination or judgment, showing or setting forth the total cost of constructing such ditch, drain or water course, and a description of each piece or parcel of land in their judgment benefited by such construction, together with the amount in money of the part or portion of such cost assessed by them upon and chargeable to each piece or parcel of land so included in such certificate, which certificate shall be signed by said

supervisors, and filed and recorded in the office of the town clerk of their town, within ten days after the filing of the order by the said supervisors, locating and establishing such ditch, drain or water course: *provided, however*, that in case of the laying of a ditch, drain or water course upon or adjacent to a town line as provided in this act, said certificate shall be made in duplicate and filed and recorded in the office of the town clerk of each of the towns affected thereby, and in case no appeal is taken from the decision of the supervisors as shown in said certificate by any person or persons affected thereby, as hereinafter provided, then and in that case, the town clerk in apportioning the annual taxes upon the assessment roll of his town, shall enter upon said roll in a separate column, the amount assessed by the said supervisors upon each piece or parcel of land contained in said certificate, against the land so charged, which tax shall be collected by the town treasurer the same as other town taxes are by law collected: *provided, however*, that in case of a ditch, drain or water course, laid out upon or adjacent to a town line as in this act provided, the town clerk shall add to his assessment roll only such lands embraced in such certificates as are within the boundaries of his town.

**Proceedings on appeal from assessment.**

SECTION 10. If the owner of any land through which any ditch, drain or water course shall be laid out and established by the supervisors under the provisions of this act, shall not be satisfied with the amount awarded to him for damages by said supervisors, or any owner or owners of land through which the same has been laid out and established shall not be satisfied to pay the sum assessed and charged by the supervisors against his or their land or lands, as shown by the certificate of the supervisors filed and recorded as provided in the preceding section, such owner or owners may at any time within fifteen days after the filing of said certificate in case of a benefit assessed, or within fifteen days after the filing of the award of the supervisors, in case of damages awarded, file in the office of the town clerk of their town a notice of an appeal from the decision of the supervisors, which notice shall contain a description of the land or lands belonging to the person or persons so filing such notice, with the amount of damages awarded to such land or lands, or the

amount of benefits assessed and charged upon the same, as the case may be, with notice that he or they, the appellant, will on a certain day named in such notice, which day shall not be less than six nor more than ten days after the date at which said notice was filed with said town clerk, apply to a justice of the peace, naming some justice within the county, for a jury to assess and appraise such damages, or to assess and appraise such benefits, as the case may be, which fact shall be shown by such notice, and on presentation of such notice to the town clerk by the party interested therein, or by his, her or their agent or attorney, the town clerk shall immediately file the same in his office, and shall deliver to the person so presenting such notice a certified copy of the same, and upon the presentation of such certified copy to the justice named in such notice, upon the day therein named, by the party, his, her or their agent or attorney, the said justice shall proceed to make a list of eighteen disinterested freeholders, residents of his county, not of kin to any of the owners or occupants of any of the lands embraced in such notice, and from the list so made, each party may strike off the names of six persons, and if no one of the supervisors or the town clerk of the town are present, then the justice shall strike off from such list the names for such town, and the justice shall thereupon issue a precept, directed to the sheriff or any constable of his county, directing him to summon the six persons whose names were not stricken from such list, to meet at a time and place to be specified in said precept, to serve as jurors to appraise the damages sustained by the person or persons named in said notice, or to appraise the benefits to be derived by the person or persons named in the said notice, as the case may be, resulting in either case, from the laying out, construction and opening of said ditch, drain or water course; and the sheriff or constable to whom such precept shall be delivered shall execute the same by summoning such jurors in the same manner and with like authority as upon venire issued in causes pending before justices of the peace, and shall in like manner make return thereof.

**Meeting of the jury, and their proceedings.**

SECTION 11. The persons summoned as jurors, as provided in the preceding section, shall meet at the time and place designated in the precept, and the jus-

tice issuing the same shall also be present. The jury shall be sworn justly and impartially to view, examine and appraise the damages to be sustained by the lands embraced in the notice of appeal in the case, or to justly and impartially view, examine and assess the benefits to be derived by the lands so embraced in such notice, as the case may be, and the said jury and justice shall then proceed to view and examine such lands, and shall hear any statements or proofs which may be submitted to them by either party, and may increase or dimish the amount awarded, or the amount assessed by the supervisors, as the case may be, as they may in their judgment consider just and equitable, and in case the jurors are equally divided in opinion on the question, the justice shall have the casting vote, and in case of benefits assessed and charged by the supervisors against the land described in such notice, the jury shall take into the account the other lands to be benefited by the construction of such ditch, drain or water courses, and also the total cost of constructing the same as defined by this act, and shall determine the question in relation to the particular piece or pieces of land embraced in such notice, relatively, with reference to the whole subject matter involved, and an eqitable assessment of the total cost of construction upon the lands directly benefited, relatively, upon each piece or parcel of land in proportion to the benefits to be derived by such piece or parcel from such construction, and the jury shall deliver their award or appraisement in writing to the justice, which shall be certified by such justice, and by him delivered to the town clerk of the town in which the land is located, and shall be filed and recorded by such town clerk, and when so recorded, shall in the case of the assessment of benefits to be derived, have the effect to amend the certificate of the supervisors with reference to the particular piece or pieces of land embraced in such appraisement of the jury, and the town clerk in entering said piece or pieces of land so included in the appraisement of the jury upon the assessment roll of his town, as provided in section nine of this act, shall charge such piece or parcel of land with the amount so assessed by the jury, and in all cases of appeal from the decision of the supervisors under this act, where the question submitted to the jury is one of damages, if

the jury shall not find an amount greater than that awarded by the supervisors, and in the case of benefits assessed, shall not find an amount less than that assessed and charged against such land by the supervisors, the appellant shall pay all costs, but if the finding of the jury shall increase the amount of damages awarded, or shall in the case of benefits assessed, diminish the amount assessed upon the land in question, then the town shall pay the costs.

Work to be tendered to owner of land, at price fixed by supervisors.

SECTION 12. Whenever the supervisors shall have laid out and established any ditch, drain or water course, under the provisions of this act, and shall have completed the division of the same into sections, and the award of damages and the assessment of benefits shall have been made and recorded as herein provided, the said supervisors shall offer or tender to each resident owner of the lands on which a tax has been assessed for the construction of such ditch, drain or water course, the work of constructing, in accordance with the specifications and within a reasonable time, to be named by said supervisors, such section or sections of the work as may be located on his, her or their land, at the price estimated by the supervisors for doing such work so tendered, and in case such work so offered or tendered by the said supervisors, shall be accepted by such owner or owners, the supervisors shall enter into a written contract with such owner or owners for the performance of the work so let, and the supervisors may require the party to give security for the full and faithful performance of the contract, if they consider the same necessary. Any sections of the work not so disposed of, the supervisors shall let to the lowest responsible bidder, and for that purpose shall advertise the work to be let, by posting up notices for proposals in at least three public places in the town where such work is located, but no contract shall be awarded for the construction of any section at a price greater than the original estimate made by the supervisors, of the cost of the work on such section, and on completion of the work on any section or sections in accordance with the specifications and to the satisfaction of the supervisors, the said supervisors shall give to the contractor an order on the treasurer of the town for the amount of the work done by such contractor, which order shall be paid by the

eral laws of 1864, entitled "an act to establish lumber districts in this state, and to regulate the traffic in logs, timber and lumber in said districts," the same as the districts therein named.

SECTION 3. The inspector of said lumber district number ten shall keep his office at the village of Wausau, in the county of Marathon. Where office of inspector located.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1871.

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## CHAPTER 71.

[*Published April* 1, 1871.]

**AN ACT to amend section 1 of chapter 34 of the general laws of A. D. 1870, entitled "an act to amend section 18 of chapter 120 of the revised statutes in relation to claims against railroad companies."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter thirty-four of the general laws of 1870, entitled "an act to amend section eighteen of chapter one hundred and twenty of the revised statutes, in relation to claims against railroad companies," is hereby amended so as to read as follows: "Section 1. Section eighteen of chapter one hundred and twenty of the revised statutes is hereby amended by adding thereto the following words: "*provided*, that in all actions for damages against any railroad or express company, or corporation carrying goods and chattels for hire, or operating any railroad in this state under any lease or otherwise, the process may be served upon any agent of the company or corporation against which the damage is claimed, who has charge of an express office, or a depot or station on the line of the railroad owned or operated by any such company or corporation." Amended. How process served upon railroad and express companies.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1871.

## CHAPTER 72.

[*Published April* 1, 1871.]

**AN ACT to amend section 20 of chapter 99 of the revised statutes, entitled "of the administration and distribution of the estates of intestates."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section twenty of chapter ninety-nine of the revised statutes is hereby amended by adding to said section at the end thereof, the following words, viz: "or to be personally served on all persons interested, for such length of time before the day fixed for the hearing, as he shall deem reasonable."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1871.

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## CHAPTER 73.

[*Published April* 1, 1871.]

**AN ACT to enable a foreign guardian of the estate of an insane person to sue in the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Foreign guardians may prosecute civil actions.**

SECTION 1. When a guardian shall be appointed in any other state of the United States, on the estate of any insane person or a lunatic not a resident of this state, and no guardian thereon shall be appointed in this state, such foreign guardian shall, upon filing an authenticated copy of his appointment in the probate court of any county in this state, be authorized to bring and prosecute in the proper courts in this state civil actions to recover any property situate in this state, and all demands, debts or claims belonging to the estate of such lunatic or insane person, from any per-

son or persons in possession of or claiming such property or owning such demands, debts or claims: *provided*, that any court in which such actions may be commenced may require such guardian to give security for the costs therein.

SECTION 2. Such foreign guardian shall allege in the complaint in such action that he has filed an authenticated copy of his appointment in some county in this state, specifying such county by name, and such allegation shall be taken to be true, and no proof of such allegation shall be required unless the defendant shall by affidavit or by an allegation contained in the answer to such complaint, verified in the manner now required by law, deny such allegation. **Allegation of complaint.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1871.

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## CHAPTER 74.

[*Published April* 1, 1871.]

**AN ACT to authorize court commissioners to solemnize marriage, and to legalize marriages heretofore solemnized by them.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Marriages may be solemnized by any court commissioner within the county for which he is appointed. **May solemnize marriages.**

SECTION 2. All marriages heretofore solemnized within this state by court commissioners, in their respective counties, shall be regarded and held as of the same validity as though the same had been solemnized by a judge of a court of record. **Legalized.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1871.

## CHAPTER 75.

[*Published March* 17, 1871.]

**AN ACT to amend chapter 46 of the general laws of 1869, entitled "an act to protect the lands and timber thereon granted to the St. Croix and Lake Superior Railroad Company."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section five of chapter forty-six of the general laws of 1869 is hereby amended so as to read as follows: Section 5. Each of said agents, appointed by virtue of this act, shall make a full and complete verified report on the last days of March, June, September and December in each year, of all actions commenced and moneys collected, paid out or expended in carrying out the provisions of this chapter, and shall receive such compensation as shall be fixed by the governor, and his necessary expenses: *provided*, that the costs and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state, and approved and allowed by him; and all the compensation and expenses herein mentioned, and all expenses heretofore or hereafter incurred by any state officer, under direction from the governor, in relation to the protection of said lands, or securing such protection, shall first be audited and approved by the secretary of state, and shall be paid by the state treasurer, and a sum sufficient to pay the same, to be audited as aforesaid, is hereby annually appropriated out of any money in the state treasury received from collections made by said agent or agents in pursuance of this act; and where said expenses have heretofore been paid from any fund belonging to the state, the amount thereof, as audited and allowed, may be paid out of such collections to such fund.

**Agents shall make quarterly reports.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1871.

# CHAPTER 76.

[*Published March* 16, 1871.]

**AN ACT to amend chapter 25 of general laws of 1870, entitled "an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 25 of general laws of 1870, entitled "an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company," approved March 5, 1870, is hereby amended so as to read as follows, to-wit: It shall be lawful for the city of Milwaukee and any county north of Milwaukee through any portion of which any part of the railroad of the Milwaukee and Northern Railway Company, or any branch thereof shall run, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to suscribe for, agree to take and take and pay for capital stock (of either class), or bonds of said company, in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons or corporation, as trustee, or to said company or bearer, at such time, for such sum or sums, with such rate of interest not exceeding ten per cent. per annum, transferable by general or special endorsement, or by delivery, and in such form and manner as may be agreed upon by and between the directors of said railway company and the proper officers of such county, town, city or village; or, if by the terms of the subscription, in any case, no provision is made for giving bonds to the company therefor, then to raise by tax such sum or sums of money, either all at once in one year, or in yearly instalments, not to exceed three in three successive years, and to pay the same to said company at a time agreed upon, or upon demand thereafter, but no such subscription for the stock or bonds of said company shall be made,

**Amended.**

**May subscribe for and take stock.**

and no such bonds shall be issued or delivered to said company, or money paid thereto by or for any such county, town, city or village, unless a majority of the legal voters of such county, town, city or village, as the case may be, voting on the question shall first have voted in favor of such subscription, in the manner hereinafter provided; but when such subscription shall have been made, the same shall be absolutely binding upon the county, town, city or village, by or in whose behalf such subscription shall be made: *provided, however*, that nothing in this act contained shall be held to authorize any city or incorporated village, either to impose taxes or assessments, to borrow money, to contract debt or to loan its credit, to an amount or principal sum exceeding one-tenth of the assessed value of the taxable property in such city or incorporated village, as the same shall have been assessed for purposes of general taxation at the last assessment that shall have been made prior to the date of such proposition of said company.

**Company shall make proposition in writing.**

SECTION 2. Whenever said company shall desire any such county, town, city or village to subscribe and take any of its stock or bonds, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, a proposition, in writing, signed by the president and secretary of said company, and sealed with its corporate seal; which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired that such county, town, city or village shall pay or secure payment of such subscription, whether in money or bonds; and if bonds are desired to be issued therefor, then the amount of each bond, the aggregate amount of all such bonds, the rate of interest they shall bear, and the time of payment thereof. Upon receiving such proposition the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village to take into consideration the proposition of said company, when such

**Clerk of board shall call meeting to vote on proposition.**

board or proper authorities, upon written request of six legal voters of such county, town, city or village, they shall give notice of any election to be held by the legal voters of such county, town, city or village, as the case may be, as is now provided by law for holding special elections, at such place, on such day and during such hours in the day as they may designate, which day shall not be less than five nor more than thirty days from the date of such notice, and such notice shall contain a statement of the substance of the proposition made by said company, as aforesaid, and shall call upon the voters to deposit each a ballot, upon which shall be written or printed, the words, "for the railway proposition," or the words, "against the railway proposition."

**How election to be conducted.**

SECTION 3. Such election shall be held and conducted in the same manner, except as herein otherwise provided, that general election in such counties, towns, cities or villages, are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, a statement of the whole number of the votes cast upon the question, as well as a statement of the number containing the words, "for the railway proposition," and of the number containing the words, "against the railway proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes each way, for and against such proposition, and also of the fact that such election was regularly ordered, noticed, held and conducted according to law.

**If vote is favorable, proper authorities to subscribe for stock.**

SECTION 4. If a majority of the legal voters of any such county, town, city or village, voting in pursuance of the provisions of this act, shall vote "for the railway proposition," and the votes in favor of such proposition shall at the same time be equal to a majority of the legal votes cast at the general election in such county, town, city or village, as the case may be, held next prior to the date of such proposition of the said company, it shall be the duty of the proper officers in behalf of such county, town, city or village, to sub-

scribe for and take or agree to take stock or bonds of said company, of the kind and description, to the amount and on the terms and conditions specified in such proposition of said company, and in payment therefor, to make, issue and deliver to said company the bonds of such county, town, city or village, as the case may be, payable to bearer, or in case such subscription is payable in money, and not to be secured by bonds, then it shall be the duty of the proper authorities of such county, town, city or village, to levy, collect and pay to said company in money, the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company, and such tax shall be in addition to all other taxes authorized by law, and shall be levied upon and collected from all taxable property in such county, town, city or village in the same manner that general taxes are levied and collected by law.

**Definition of proper officers and proper authorities.**

SECTION 5. For the purposes of this act, the term, "proper officers" shall be held to intend and mean, in the case of a county, the chairman and clerk of the county board of supervisors of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor and city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities," shall be held to intend and mean, in the case of a county, the county board of supervisors; in the case of a town, the town board of supervisors; in the case of a city, the common council, and in the case of a village, the board of trustees or other local governmental board, by whatever name it may be called, which is clothed with the power to levy taxes; and any and all bonds issued under this act by any county, town, city or village, shall be officially signed by the proper officers thereof as aforesaid, and sealed with its corporate seal, if it have one; and in the case of a town, there shall be added the certificate of the clerk of the board of supervisors of the county in which the town is situated under the seal of the county, that the town officers subscribing the bonds are in fact such officers, and that their signatures thereto are genuine.

**Shall be liable for principal and interest of bonds.**

SECTION 6. Every county, town, city or village which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faith-

fully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it, and the faith of every such county, town, city or village shall by the issue of such bond or bonds, be irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village shall annually levy and collect a tax on all its taxable property, for the payment of all moneys to fall due upon such bonds, whether for interest or principal, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and strictly applied to that purpose; and it may, in the discretion of its proper authorities, raise a greater sum in any one year than is needed to pay what falls due in that year, and apply the same to the purchase and discharge of such bonds at the lowest practicable rate or price.

**May appoint agent to cast vote.**

SECTION 7. The proper authorities of any such county, town, city or village may appoint an agent, who shall vote at all meetings of stockholders of said company for the election of officers or otherwise, on all the stock of such county, town, city or village, as the case may be, on which there is no default in payment of the subscription for such stock, or of the interest on the bonds given for such stock, but not on any stock if any such default exist on the part of such county, town, city or village, as the case may be.

**Sale of stock or bonds not to discharge from liability.**

SECTION 8. If any such stock or bonds of said company so taken by such counties, towns, cities or villages shall be sold, the proceeds of sale shall be wholly and strictly devoted to the payment or purchase of the bonds so given for the same until such bonds last named are all paid or taken up and canceled. Any county, town, city or village, such as is mentioned in section one of this act, may receive, entertain and hold an election upon two or more successive propositions, such as are referred to in section two of this act.

**Route of road not to be changed after stock is taken.**

SECTION 9. After any such county, town, city or village shall have paid money or given bonds for stock to said company, as permitted by this act, said company shall not materially change or alter the location of that part of its road which lies within the limits of such county, town, city or village, as the case may be, while such county, town, city or village shall continue to own the stock or bonds of such company so taken by it, without the consent of the proper authorities of such

county, town, city or village, until the company shall have paid or tendered back the principal sum of all moneys, and of all the bonds so received from that county, town, city or village; but after such payment or tender, or after such county, town, city or village shall have parted with the railway stock or bonds so taken by it, the company may alter such location at any time, and thereupon any such railway stock or bonds then held by such county, town, city or village shall be surrendered and canceled.

SECTION 10. This act is hereby declared to be a public act, and shall be immediately published, and shall be in force from and after its passage and publication, and shall be liberally construed to promote the purposes thereof.

Approved March 14, 1871.

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## CHAPTER 77.

[*Published March* 15, 1871.]

AN ACT to consent to the purchase by the United States of the grounds used as a national soldiers' cemetery, at Forest Hill, near Madison, in this state, and to cede jurisdiction thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Consent given.

SECTION 1. The consent of this state is hereby given to the purchase by the United States of the grounds used as a national soldiers' cemetery, at Forest Hill, near the city of Madison, in this state, and the jurisdiction of this state over such grounds is hereby ceded to the United States, such cession to take effect when such purchase shall have been duly made: *provided*, that an accurate description and plat of such grounds shall be filed by the United States with the governor of this state; *and provided further*, that this cession is upon the express condition that the state of Wisconsin shall so far retain a concurrent jurisdiction with the United States in and over the grounds aforesaid, that all civil and criminal process issued under the author-

ity of this state, or any officer or court thereof, may be executed on said grounds in the same manner as if such cession had not been made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1871.

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## CHAPTER 78.

[*Published March* 31, 1871.]

**AN ACT to further provide for the duties and authority of the county board of supervisors, and to provide for filling vacancies in the board from cities and villages.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**County board to elect chairman.**

SECTION 1. In addition to the duties and powers now conferred upon and required of the county board of supervisors in the several counties in this state, the county board of the several counties, at the first meeting after their election, shall elect one of their number chairman, who shall continue to occupy his said position as chairman of the county board, and perform all the duties required of him as such chairman until the board of supervisors elected for the succeeding year shall elect a new chairman as his successor.

**Provisions to apply to chairman.**

SECTION 2. The provisions of section one of this act shall apply to the chairman of the board of county supervisors now holding such office in this state.

**If chairman of town board is not able to attend, side supervisor to act.**

SECTION 3. In case the chairman of the town shall not be able to attend the meeting of the county board of supervisors, and some other member of the town board of supervisors shall represent said town on the county board, the town clerk of such town shall certify to the clerk of the county board the name of the supervisor who shall be indicated and selected, as the law now requires, to represent said town on the said county board. And until said certificate from the town clerk shall be received by the said clerk of the board, such side supervisor shall not be permitted to

take his seat and represent said town on the county board of supervisors.

Vacancies—how filled.

SECTION 4. In case of vacancy by death or otherwise, in the office of county supervisors in cities and incorporated villages, the common council of such cities and the board of trustees of such villages shall fill such vacancy by appointment.

May appoint committee to lay out roads.

SECTION 5. In cases where the county board of supervisors are called upon to lay out, alter or vacate highways, said board shall have power to appoint and authorize a committee of its own number to view such highway, to decide and determine upon all applications relating to highways, to cause a survey, and file an order with the clerk of the board, which shall be binding in all respects, the same as if done by the whole board of supervisors.

Absentees—how attendance enforced.

SECTION 6. If any member of the county board of supervisors shall absent himself from the meeting of said board without good cause, or having first been excused by the board, the chairman of the board shall have authority to issue a warrant requiring the sheriff of the county or some constable, forthwith to arrest said absent member and bring him before the board, the expense of which shall be deducted out of the pay of such member, unless by resolution the same shall be remitted by the board.

Shall provide for care of county poor.

SECTION 7. The county board of supervisors in all counties where the county poor system does now or shall hereafter exist, shall have power to provide for taking care of the county poor, either in a poor house and under a county poor superintendent, or otherwise, as the board shall direct and provide.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 14, 1871.

# CHAPTER 79.

[*Published March* 17, 1871.]

AN ACT authorizing county boards of supervisors to appoint land inspectors, and to define their duties, and the duties of the clerks of the boards of supervisors and assessors.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of the counties of Clark, Eau Claire, Wood, Marathon, Portage, Dunn, Barron, Polk, Burnett, Douglas, Bayfield and Ashland may appoint such number of persons in their respective counties as they may deem necessary, who shall be called land inspectors; such appointment shall be in the following form, to wit: **May appoint land inspectors.**

To ——— ———

You are hereby appointed land inspector, and are hereby required to forthwith examine all the lands in township —, range —, (such townships or sections as the board of supervisors may think necessary to have examined), and report the same according to the provisions of chapter —, laws of 1871. **Form of appointment.**

Dated, ——— ———.

C. D., *Chairman of Board.*

Attest: E. F., *Clerk of Board.*

SECTION 2. Each inspector shall, before entering upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the board of supervisors. **Shall take oath.**

SECTION 3. Each inspector shall personally examine each and every forty acre tract or other legal subdivision of a section of entered land in the district specified in his appointment, and make a list of such tracts, with a brief description of each tract, which shall be substantially in the following form: **Shall make list, and form of list.**

| Description. | Section. | Town. | Range. | Timber. | Soil. | Timber cut off. | Amount of Timber. | Distance from. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| ne ne | .. | .. | .. | Pine or hard wood, as case may be. | Sandy or good soil, swamp, as case may be. | Cut off, or partly cut, as case may be. | 100,000 ft. board measure, as case may be. | Logging stream, 1, 2 or 3 miles, as case may be. | Burnt over, or windfall. |
| Lot No. | .. | .. | .. | .... | ..... | ..... | ..... | ..... | ... |

Shall attach affidavit to list.

SECTION 4. Each inspector shall attach to such list an affidavit, by him subscribed and sworn to before some person authorized to administer oaths, stating that he has personally examined each tract of land in the annexed list, and that the description set opposite each tract is substantially a true description of the same, to the best of his judgment and belief.

Penalty for misrepresentation.

SECTION 5. Any inspector who shall wilfully and knowingly represent in said list that the timber has been cut off any tract of land in said list, when the pine timber has not been cut from said land, or shall report that the same is timbered land, when the same is not, or shall in any other way falsely misrepresent the true state and description of said land, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, nor less than fifty dollars, or by imprisonment in the county jail not more than three months nor less than one month.

List to be filed with county clerk.

SECTION 6. Each inspector shall file said list, with the affidavit attached thereto, with the clerk of the board of supervisors.

To be printed.

SECTION 7. Upon the receipt of such list by the clerk of the board of supervisors, he shall cause to be printed such number of copies thereof as the county board of supervisors may direct, for the use of the county, and cause the same to be published in some newspaper published in said county if said board shall so direct.

Shall send certified copies to assessors.

SECTION 8. The clerk of the board of supervisors shall on or before the first day of June after such lists

are filed, send one or more certified copies of such printed lists, with a notice calling the attention of the assessors to this act, to each of the assessors and town clerks in his county.

SECTION 9. Every assessor receiving such list shall carefully examine the same, and if he shall find any description of land therein, lying in the town of which he is assessor, may when making out the assessment roll for such town, assess the value thereof at such valuation as he may deem just, without making a personal examination of such land: *provided*, that all lands described in such list as having the timber cut off or being worthless, shall be assessed at a nominal value, unless the assessor of his own knowledge or from reliable information shall know or learn to the contrary. **Duty of assessor.**

SECTION 10. Every assessor who shall know or shall be reliably informed that the pine timber has been cut off of any tract of land in his town, shall, in assessing such land, affix a nominal value thereto. **Shall affix nominal value.**

SECTION 11. Any person owning a tract of land from which the principal part of the timber has been cut, rendering such lands of but little value, may make an affidavit of that fact, and shall also set forth the quality of the land, and file the same with the assessor of the town in which such tract of land lies; and such assessor shall, if satisfied of the truth of such affidavit, assess such tract as other lands are assessed from which the timber has been cut. **Owner of land may make affidavit.**

SECTION 12. The county board of supervisors may allow the inspectors a reasonable compensation for their services, not exceeding —— per day, to be paid out of the county treasury. **Compensation of inspectors.**

SECTION 13. Every assessor shall pass over to his successor, all of the above described lists and affidavits which he may receive from the clerk of the board of supervisors. **Shall pass over lists.**

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1871.

## CHAPTER 80.

[*Published April* 1, 1871.]

**AN ACT to amend chapter 115 of the general laws of 1870, entitled "an act to amend section two of chapter 183 of the general laws of 1869, entitled an act to repeal chapter 452 of the general laws of 1864, entitled 'of counties and county officers,' and to amend section 51 of chapter 13 of the revised statutes, entitled 'of counties and county officers.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section one of chapter 115 of the general laws of the year 1870 is hereby amended by striking out all of said section after the words, "English language," in the fifteenth line, and inserting in lieu thereof the following words: "*provided however*, that such legal notice be also printed in a newspaper printed in the English language."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1871.

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## CHAPTER 81.

[*Published March* 17, 1871.]

**AN ACT to provide postage stamps for the use of the elective officers of the senate and assembly.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Postage stamps to be furnished.**

SECTION 1. The superintendent of public property is directed to procure and deliver immediately on the passage of this act, and annually at the opening of the legislature hereafter, to the chief clerk of the senate and assembly, and to the sergeant-at-arms of the senate and assembly, each, postage stamps to the amount of fifteen dollars.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

Approved March 14, 1871.

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## CHAPTER 82.

[*Published March* 18, 1871.]

**AN ACT to amend chapter 28 of the general laws of 1860, entitled "an act to enable foreign executors and adminstrators to sue in the state of Wisconsin," and chapter 20 of the general laws of 1869, amending said chapter 28.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any foreign executor or administrator, under and pursuant to the provisions of the first section of chapter 28 of the general laws of 1860, as amended by chapter 20 of the general laws of 1869, shall, at a foreclosure sale under a judgment in an action in which he as such executor or administrator is plaintiff, purchase the mortgaged premises or any part thereof, and under such sale acquire title to, or receive a deed of said premises or any part thereof, he may sell and convey the same for such price or prices, and on such terms as he shall deem best, and the money arising from such sale or sales he shall hold as such executor or administrator for the benefit of the estate which he represents, the same as he would have held the moneys secured by the mortgage foreclosed, if such moneys had been paid to him without foreclosure. And any foreign executor or administrator who heretofore at such foreclosure sale purchased the mortgaged premises or any part thereof, and has acquired or shall acquire title thereto under such sale or sales, may in like manner sell and convey the premises so by him purchased as such executor or administrator, holding the procoeds of sale for the benefit of the estate. **May sell mortgaged premises**

SECTION 2. This act shall be in force from and after its publication.

Approved March 14, 1871.

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## CHAPTER 83.

[*Published March* 18, 1871.]

**AN ACT to repeal chapter one hundred and seventy-three of the general laws of 1869, and to fix the time of holding circuit court in Burnett county, and for the transferring of certain records from the circuit court of Polk county to the circuit court of Burnett county, and to arrange the empaneling of petit and grand jury in said county of Burnett.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Repealed.**

SECTION 1. Chapter one hundred and seventy-three of the general laws of 1869, entitled an act to repeal chapter forty of the general laws of 1868, entitled an act to repeal chapter one hundred and four of the general laws of 1867, entitled an act to attach the county of Burnett to the county of Polk for judicial purposes, and to repeal chapter four hundred and eighty of the private and local laws of 1866, entitled, "an act to attach the county of Burnett to the county of Polk for judicial purposes, and to fix the time for holding the circuit court in said county of Burnett," and to re-instate and re-enact in all its parts, chapter one hundred and four of the general laws of 1867, entitled an act to attach the county of Burnett to the county of Polk for judicial purposes, and to repeal chapter four hundred and eighty of the private and local laws of 1866, entitled an act to attach the county of Burnett to the county of Polk for judicial purposes, is hereby repealed.

**Terms fixed.**

SECTION 2. The terms of the circuit court in and for said county of Burnett shall be held on the first Monday of March and on the first Monday of September in each year.

**Records to be transferred.**

SECTION 3. The records of all suits, proceedings and actions heretofore commenced, had or determined in the circuit courts of Burnett county, which were transferred under the provisions of chapter one hun-

red and four of the general laws of 1867, to the office of the circuit court for Polk county, and all papers on file in the office of said circuit court clerk of Polk county, in any way pertaining or belonging to cases which originate in the county of Burnett, and which should be upon the files of the clerk of the circuit court of Burnett county, shall, as soon as may be after the passage of this act, be transferred to the office of the clerk of the circuit court for Burnett county, and from the time of such transfer, shall be deemed proper records of said last mentioned office, and it shall be the duty of the clerk of the circuit court of Burnett county, forthwith to demand of the clerk of the circuit court of Polk county, and the duty of the latter to deliver immediately, all such records and papers, and it shall also be the duty of the clerk of the circuit court of Burnett county, to make as soon as may be, after the passage of this act, full and complete transcript from the book of the office of the clerk of the circuit court of Polk county, of all judgments, orders and entries of every and any kind, pertaining in any way to suits and proceedings originating in Burnett county, or which properly should be of record in that county. And all such judgments heretofore docketed in the office of the clerk of the circuit court of Polk county, shall be docketed in the office of the clerk of the circuit court of Burnett county, and those remaining unsatisfied shall thereupon become a lien upon the real property of the judgment debtor in said county of Burnett, as in the case of a judgment duly rendered and docketed therein originally. Liens of such judgment heretofore docketed in Polk county, and remaining unsatisfied, shall in each case attach to the real property of the judgment debtor in Burnett county, only from the time when chapter four hundred and eighty of the private and local laws of 1866 took effect, and executions on any such judgments shall after the docketing of the laws [same] in the office of the clerk of the circuit court of Burnett county, as provided by this act, shall be issued by the clerk of said Burnett county, and all executions issued on such judgments by the clerk of the circuit court of Polk county, which shall be at the time such judgments are docketed in the office of the clerk of the circuit court of Burnett county unreturned, shall be returnable

Shall make transcripts.

within the life thereof, to Burnett county, and the ex cution issued on any such judgment may be in suc form as will be adapted to the enforcement of th judgment lien from the time hereinbefore provided All suits and proceedings that shall be pending in th circuit court of Polk county, at the time this act shal take effect, and which originate in or belong to th county of Burnett, shall thereafter be prosecuted an carried on in Burnett county, in the same manner an with like effect as if they had been originally com menced in Burnett county.

Not to affect county court.

SECTION 4. Nothing in this act contained shall b construed to abolish or affect the jurisdiction of th county court or the county judge of Burnett county.

No jury to be summoned.

SECTION 5. There shall be no grand or petit jur summoned or impaneled for any term of the circui court for the county of Burnett, unless the judge o said circuit, by an order in writing, to be filed in th circuit court clerk's office of said county, at least thirt days before the commencement of any regular term o the circuit court in said county, since [direct] the draw ing of a grand and petit jury, or either of them, fo such term, and upon the filing of such order such jur as may be so directed to be summoned, shall be swor summoned and impaneled in the manner provided b law in other cases.

SECTION 6. This act shall take effect and be in forc from and after the first day of April, A. D. 1871.

Approved March 14, 1871.

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## CHAPTER 84.

[*Published March* 31, 1871.]

AN ACT to amend section 20 of chapter 133 of the revised statute entitled "of costs and fees."

*The people of the state of Wisconsin, represented in sena and assembly, do enact as follows:*

Amended.

SECTION 1. Section twenty of chapter one hundre and thirty-three of the revised statutes is hereb

Fees of justices of the peace.

ended so as to read as follows: Justices of the ce may be allowed to receive the following fees, may tax the same in all cases, when applicable, d all fees of said justices in the progress of a cause ll be taxed in the judgment in favor of the party o recovers judgment:

For a summons, warrant or subpœna, twenty-five nts.

For a venire for a jury, twenty-five cents.

For a warrant in a criminal case, twenty-five cents.

For taking a recognizance of bail, twenty-five cents.

For administering any oath to a witness, six cents, d for administering all other oaths, and certifying the me when necessary, twelve cents each.

For a warrant of attachment, twenty-five cents.

For entering a judgment, twenty-five cents.

For every adjournment, twenty-five cents.

For every bond, undertaking or security directed by w to be taken and approved by the justice, twenty-ve cents.

For receiving and entering verdict of jury, twenty-ve cents.

For entering return to any process, twelve cents.

For taking an examination, testimony, or for any riting done in a cause, twelve cents per folio.

For taking deposition, twelve cents per folio, and for py of proceedings or of any paper, or examination in y case, when demanded, per folio, ten cents.

For entering satisfaction of judgment, twelve cents.

For entering amicable action without process, twelve nts.

For a transcript of judgment, twenty-five cents.

For opening a judgment for rehearing, twenty-five nts.

For filing all papers, five cents each.

For issuing notice to take deposition, twenty-five nts.

For taking and approving undertaking and making turn to an appeal, including travel, one dollar.

For making return to writ of *certiorari*, per folio, ten nts.

For a search warrant, twenty-five cents.

For drawing any affidavit in attachment, replevin or rnishee, twenty-five cents, and for any other affida-t, or other paper drawn by the justice, for which no her allowance is made by law, twelve cents per folio.

For a commitment to jail, twenty-five cents.

For an order to bring up prisoner, twenty-five cents.

For an order to discharge prisoner, issued to jailor, twenty-five cents.

For discharging a prisoner after hearing, on motion to discharge, twelve cents.

For an execution, twenty-five cents.

For every other writ, not herein enumerated, twenty-five cents.

For taxing costs, twelve cents.

For docketing, twenty-five cents.

For marrying and making return thereof, one dollar and fifty cents, and such other sum as may be allowed by the party making the application.

For holding an inquisition in cases of forcible entry and unlawful detainer, one dollar.

For taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five cents.

For traveling to perform any duty, when not otherwise provided for, and such travel is necessary, going, per mile, six cents.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1871.

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## CHAPTER 85.

[*Published April* 1, 1871.]

**AN ACT to provide for serving notices of trial and filing notes of issue with the clerk in the circuit courts of this state, and to repeal chapter 71 of the general laws of 1859, entitled "an act relating to trials in courts of record."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Notices of trial and notes of issue.**

SECTION 1. At any time after issue joined in any civil action in a court of record of this state, either party may bring the same on for trial at any

term of court at which the same is triable, by giving notice of trial at least ten days before such term of court. The party giving the notice shall furnish the clerk at least eight days before the term, with a note of issue containing the title of the cause, the names of the attorneys, the time when issue was joined, and stating whether it be for trial by the jury or the court or an issue of law, and the clerk shall thereupon place the cause upon the calendar, according to the date of the issue: *provided, however*, if the party giving such notice shall fail to furnish the clerk with such note of issue, the court may, in its discretion, place such cause upon the calendar.

SECTION 2. Chapter 71, laws of 1859 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1871.

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## CHAPTER 86.

[*Published April* 1, 1871.]

**AN ACT to amend chapter 264 of the general laws of 1860, entitled "an act to amend chapter 139 of the revised statutes, entitled 'of appeals, writs of error and proceedings therein.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six of chapter 264 of the general laws of 1860 is hereby amended so as to read as follows: "Upon an appeal from a judgment, the supreme court may review any intermediate order involving the merits and necessarily affecting the judgment, whether the same has been excepted to or not in the court below, nor shall it be necessary to take or file any such exception, or settle any bill of exceptions thereon in the court below to enable the supreme court to review any such intermediate order."

**Sec. 6 amended.**

**Supreme court may review order.**

SECTION 2. Section 12 of said chapter 264 is hereby amended by striking out the words, "if any," in the thirty-eighth line thereof; and also by inserting

**Sec. 12 amended.**

After the words, "service thereof," in the fortieth line thereof, the following: "But in case no amendments to such bill of exceptions shall be served within the time aforesaid, the bill of exceptions shall be taken as agreed to as served, and may be signed by said judge without notice to the adverse party on proof of its service, and that no amendments have been served as aforesaid. In case the party serving such bill of exceptions shall accept the amendments served, the same as those amended may be signed by said judge without notice to the adverse party on proof of its service and the service of said amendments with a written acceptance thereof endorsed thereon."

When bill of exceptions taken as agreed to.

SECTION 3. This act shall be published immediately, and shall take effect from its passage and publication.

Approved March 14, 1871.

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## CHAPTER 87.

[*Published March* 17, 1871.]

**AN ACT to authorize the counties and towns through which the Dunleith, La Crosse and St. Croix River Shore Railroad passes to aid in its construction.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Lawful to issue bonds to aid railroad.

SECTION 1. It shall be lawful for any county through any portion of which any part of the Dunleith, La Crosse and St. Croix River Railroad shall run, or any town or incorporated city or village in such county, to issue and deliver to said corporation its bonds, payable to such person or persons, trustees or corporation, or to said company, at such time, for such sum or sums, at such rates of interest, not exceeding ten per cent. per annum, transferable by general or special endorsement or by delivery, and in such manner as may be agreed upon by and between the directors of said railroad company and the proper officers of such county, town, incorporated city or village, as hereinafter pro-

vided, and to receive in exchange for such bonds the stock or the second bonds of said railroad company, in such manner as shall be agreed upon by and between the directors of said railroad company and the proper officers of such county, town, incorporated city or village, as hereinafter provided; but no such bonds shall be issued or delivered to said company by any such county, town, incorporated city or village unless a majority of the legal voters of such county, town, incorporated city or village voting on the question shall first have voted in favor of such issue in the manner hereinafter prescribed.

**Company shall make proposition in writing.**

SECTION 2. Whenever the said railroad company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town, incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, town clerk, or clerk of such incorporated city or village, as the case may be, a proposition in writing, signed by the president and secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a statement of the amount of the stock or of the bonds of said company which the said company proposes to issue to such county, town, incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they shall bear; and it shall also contain a distinct statement of the amount of the bonds of such county, town or incorporated city or village, which the said company proposes to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest and the time of payment. Upon receiving such proposition the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, or any five qualified electors shall immediately publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village as now provided by law for calling such election, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as

**Clerk of board shall give notice of election.**

they may designate, which shall not be less than six days nor more than twenty days from the date of such notice, which notice shall contain a full statement of the proposition made by said railroad company, with reference to the exchange of its stock or bonds, for the bonds of such county, town, incorporated city or village, and shall call upon the voters to deposit a ballot upon which shall be written or printed, "for the railroad proposition," or the words, "against the railroad proposition."

How election to be held and conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village a statement of the whole number of the votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition, and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

If proposition be rejected, another election may be called.

SECTION 4. If in any or either of said counties, towns, villages or cities the majority of votes cast at any such election shall be "against the railroad proposition," or if any election shall fail to be held on the day appointed therefor, the board of supervisors of such county or town, the board of trustees of such village, or the common council of such city, as the case may be, may at any other time thereafter, in their discretion, appoint and call another election or elections, either upon the same question or upon any different proposition, such other election or elections to be conducted in a like manner and upon like notice as is provided in this act for the first election.

If vote is favorable, proper authorities may issue bonds.

SECTION 5. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of

the proper officers in every such county, town, incorporated city or village, upon receiving from the directors of said railroad company stocks or bonds in conformity with the propositions of said railroad company, to issue and deliver to the directors of said railroad company, the bonds of such county, town, incorporated city or village, in conformity with said proposition.

Definition of proper officers and authorities

SECTION 6. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, and the mayor and city clerk of each incoporated city, and the president and clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages shall be signed by the proper officers as aforesaid of the said counties, cities and villages under their corporate seals respectively, and all bonds issued by any such town shall be signed by the proper officers of such town, and have annexed to them the official certificate of the clerk of the board of supervisors, under his official seal, that they are such officers, and that their signatures are genuine.

Shall be severally liable.

SECTION 7. Every county, town, incorporated city or village, which by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest due upon every such bond, and the separate faith of every such county, town, incorporated city or village, shall by the issue of such bonds, be irrevocably, inviolably pledged for the prompt discharge of every such liability, and every such county, town, incorporated city or village shall annually levy a tax on all its taxable property, for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the annual interest on all the bonds which it may issue as aforesaid.

Shall appoint agent to attend meetings of directors.

SECTION 8. The board of supervisors of any county or town, the common council of any city and the trustees of any village, shall annually appoint one of their

number, who shall attend the annual meeting of the stockholders of said railroad company for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said county, town or incorporated city or village shall hold in said railroad company, and in case of his absence or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

Shares, interest and dividends pledged for payment of bonds.

SECTION 9. The shares of stock in said railroad company, or the bonds of said company thus taken by said counties, towns, incorporated cities or villages, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said county, town, incorporated city or village bonds: *provided, however*, that the board of supervisors of any county or town, the common council of any incorporated city, or the trustees of any village, may sell such shares of stock, or such bonds and other securities of said company; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said county, town, incorporated city or village bonds.

Repealed.

SECTION 10. Section four of chapter ninty-one (91), acts of a general nature of chapter 79 of the revised statutes, entitled of railroads, so far as the same relates or applies to the act of which this is amendatory, is hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1871.

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## CHAPTER 88.

[*Published March* 18, 1871.]

AN ACT to provide for a set of weights and measures in the several towns in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May procure weights and measures.

SECTION 1. The board of supervisors of each organized town in the state, who have not already

obtained a set of weights and measures, may at their discretion, procure for the use and at the expense of their town, a complete set of weights and measures, and scales and beams, in exact conformity with those required by law to be kept in the state treasury, except that the same may be made of such suitable materials as the supervisors may direct, which shall be tried and proved by the treasurer of the county in which the town is situated, and be by him sealed and certified.

**Shall cause weights and measures to be sealed.**

SECTION 2. Once in every five years, from the first day of January, eighteen hundred and seventy-one, each town sealer of weights and measures, for the time being, shall cause the said standards in his keeping to be tried, proved and sealed, by the county standards, under the direction of the county treasurer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1871.

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## CHAPTER 89.

[*Published March* 18, 1871.]

**AN ACT to construe section one of chapter 101 of the general laws of 1869, entitled "an act to amend section twelve of chapter 132 of the revised statutes, entitled 'of issues made of trial and judgment in civil cases.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**How construed.**

SECTION 1. Section one of chapter 101 of the general laws of 1869, shall be so construed and held, to allow and permit the charge of the judge, mentioned in said section, to be delivered orally, and taken down by the official phonographic reporter of the court.

SECTION 2. This act shall take effect and be in force immediately.

Approved March 16, 1871.

## CHAPTER 90.

[*Published March* 18, 1871.]

AN ACT to amend chapter 55, general laws of 1870, entitled an act to amend chapter 19 of the revised statutes, entitled "of highways and bridges."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 55 of the general laws of 1870 is hereby amended to read as follows: Section 25 of chapter 19 of the revised statutes, entitled "of highways and bridges," is hereby amended by inserting in the fifth line of the second clause, immediately after the word, "Sheboygan," the words, "Ashland, Bayfield, Burnett, Dallas, Douglas, Outagamie, Monroe, Marathon, Polk, Waupaca, Kewaunee, Door and Vernon."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1871.

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## CHAPTER 91.

[*Published March*, 18, 1871.]

AN ACT to amend chapter 102 of the general laws of 1870, entitled "an act to authorize the secretary of state to purchase an index to the laws of the state of Wisconsin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec. 1 amended.

SECTION 1. Section one of chapter one hundred and two of the general laws of 1870 is hereby so amended as to read as follows: "Section 1. The secretary of state is hereby authorized and required to purchase two thousand copies of a synoptical index now being prepared by E. A. Spencer, which index

shall include all laws, general, local and private, passed by the territorial and state legislatures, including the laws passed at the present session of the legislature, and which index shall be examined and approved by the attorney general, and bound in good, substantial half-binding, and delivered to the secretary of state, to be distributed as the legislature shall direct."

Sec. 2 amended.

SECTION 2. Section two of chapter one hundred and two of the general laws of 1870 is hereby amended so as to read as follows: "Section 2. Upon the receipt of the copies of the index provided for in section one of this act, the secretary of state shall audit the claim of said Spencer for the sum of four thousand dollars, which shall be in full payment for the copies of the index provided for as aforesaid."

SECTION 3. This act shall take effect and be in force from and after the publication thereof.

Approved March 16, 1871.

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## CHAPTER 92.

[*Published April* 1, 1871.]

AN ACT to provide for the furnishing by hotel and inn keepers of a means of escaping in case of fire.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall furnish means of escape.

SECTION 1. It shall be and is hereby made the duty of all hotel or inn-keepers within this state to provide for and furnish every sleeping room or apartment on and above the third floor of such hotel or inn, with a good and substantial rope or chain ladder, and to keep the same in some convenient place within such room or apartment easy of access in case of fire, in order to facilitate the means of egress from such room or apartment by the occupants thereof.

Penalty for non-compliance.

SECTION 2. Any hotel or inn-keeper within this state, who shall neglect or refuse to comply with the requirements of the foregoing section, within three months from and after the passage of this act, shall

not be allowed to receive or recover any charge whatever from any traveler, boarder or any other guest, occupying rooms on or above the third floor of such hotel or inn, so long as the provisions of this act are so uncomplied with.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1871.

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## CHAPTER 93.

[*Published March* 29, 1871.]

AN ACT to repeal sections four and eight of chapter 160 of general laws of 1859, and re-enact section four of chapter 61 of the revised statutes as amended by section one of chapter 202 of the general laws of 1860, entitled "an act to prescribe the rate of interest."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Sections four and eight of chapter one hundred and sixty of the general laws of 1859, entitled "an act to prescribe and limit the rate of interest," are hereby repealed.

Shall be valid.

SECTION 2. All bonds, bills, notes, assurances, conveyances, and all other contracts or securities whatever, whereby there is reserved or secured a rate of interest exceeding ten per cent. per annum, shall be valid and effectual to secure the repayment of the principal sum loaned, but no interest shall be recovered on such securities, or on any money or other thing loaned by such contract.

SECTION 3. This act shall take effect and be in force from and after is passage and publication.

Approved March 16, 1871.

## CHAPTER 94.

[*Published March* 21, 1871.]

**AN ACT to amend section two of chapter 144 of the general laws of 1870, entitled "an act to amend section four of chapter 180 of the general laws of 1868, entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter 144 of the general laws of 1870 is hereby amended so as to read as follows: Section 2. The secretary of state shall apportion the state tax levied for the year among the several counties, and shall carry out opposite to the name of each county on the list aforesaid, the amount of state tax apportioned thereto, according and in proportion to the relative valuation of each county to the aggregate valuation of the whole state, and shall thereupon, on or before the second Monday of October in each year, certify to the clerk of the board of supervisors of each county, the amount of state tax so apportioned to and levied upon his county.

**Amended.**

**Secretary of state to apportion tax.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1871.

## CHAPTER 95.

[*Published April* 1, 1871.]

**AN ACT to regulate the keeping of slaughter houses in this state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Penalty for keeping slaughter houses.**

SECTION 1. If any person shall erect, maintain or keep a slaughter house, or use any building heretofore erected for the purposes of a slaughter house, within the limits of any village of not less than one hundred inhabitants, and within one-eighth of one mile from any dwelling house or building used as a place of business, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, at the discretion of the court.

**Jurisdiction.**

SECTION 2. Justices of the peace shall have power to hear, try and determine all cases arising under the provisions of this chapter.

**Time to remove.**

SECTION 3. Any person having a slaughter house erected and used as such within the limits described in section one of this act, shall have sixty days to remove said house before he shall be liable to the penalties of of this act.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 16, 1871.

## CHAPTER 96.

[*Published March* 23, 1871.]

**AN ACT to authorize the Wisconsin Northern Railroad Company to receive subscriptions of stock from towns, cities or villages on the line of said road.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for any county through any portion of which any part of the railroad of the Wisconsin Northern Railway Company, or any branch thereof shall run, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to subscribe for, agree to take and take and pay for capital stock of either class, or bonds of said company, in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons or corporation, as trustee, or to said company or bearer, at such time, for such sum or sums, with such rate of interest, transferable by general or special endorsement or by delivery, and in such form or manner as may be agreed upon by and between the directors of said railway company and the proper officers of such county, town, city or village; or, if by the terms of the subscription, in any case, no provision is made for giving bonds to the company therefor, then to raise by tax such sum or sums of money, either all at once in one year, or in yearly instalments, not to exceed three successive years, and to pay the same to said company at a time agreed upon, or upon demand thereafter. But no subscription for the stock or bonds of said company shall be made, and no such bonds shall be issued or delivered to said company or money paid thereto by any city or incorporated village or town containing a city or incorporated village to an amount exceeding five per cent. on the equalized assessed valuation of such city, village or town, and no subscription for the stock or bonds of said company shall

**Lawful to aid railroad.**

**Amount limited.**

be made, and no such bonds shall be issued or delivered to said company, or money paid thereto by or for such county, town, city or village, unless a majority of the legal voters of such county, town, city or village as the case may be, voting on the question, shall first have voted in favor of such subscription, in the manner hereinafter provided; but where such subscription shall have been made, the same shall be absolutely binding upon the county, town, city or village, by or in whose behalf such subscription shall be made.

Company to make proposition in writing.

SECTION 2. Whenever said company shall desire any such county, town, city or village to subscribe and take any of its stock or bonds, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, a proposition in writing, signed by the president and secretary of said company, and sealed with its corporate seal; which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired that such county, town, city or village shall pay or secure payment of such subscription, whether in money or bonds; and if bonds are desired to be issued therefor, then the amount of each bond, the aggregate amount of all such bonds, the rate of interest they shall bear, the time of payment thereof, the point in such town, city, county or village to which said railroad shall be completed before the delivery of such bonds to said railroad company, and the custodian by whom such bonds shall be held until said line is built from its southern terminus to the point so specified, and the date when such road shall be completed to such point.

Notice of election.

Upon receiving such proposition the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village, to take into consideration the proposition of said company, when such board or proper authorities may, in their discretion, give notice, and upon written request of six legal voters of such county, town, city or village, they shall give notice of an election to be held by the legal

voters of such county, town, city or village, as the case may be, at such place, on such day and during such hours in the day as they may designate, which day shall not be less than five nor more than thirty days from the date of such notice; and such notice shall be printed and shall contain the proposition made by said company, as aforesaid, and shall call upon the voters to deposit each a ballot, upon which shall be written or printed, the words, "for the railway proposition," or the words, "against the railway proposition."

How election conducted.

SECTION 3. Such election shall be held and conducted in the same manner, except as herein otherwise provided, that general elections in such counties, towns, cities or villages are by law required to be held and conducted, and the votes cast at such elections shall be counted, canvassed and returned in the same manner as the votes at any general election, and the canvassers shall make, certify, sign and deposit with the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such village or city, a statement of the whole number of the votes cast upon the question, as well as a statement of the number containing the words, "for the railway proposition," and of the number containing the words, "against the railway proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes each way, for and against such proposition, and also the fact that such election was regularly ordered, noticed, held and conducted according to law.

If vote is favorable, stock or bonds to be taken, and how subscription paid.

SECTION 4. If a majority of the legal voters of any such county, town, city or village, voting in pursuance of the provisions of this act, shall vote "for the railway proposition," and if the votes cast in favor of such proposition shall be equal to or not less than a majority of the votes cast at the next preceding town meeting, city or village election, and when the line of said railroad is located and established in accordance with the proposition made by said company, and duly recorded or placed on file in the office of the clerk of such county, town, city or village in which it is stipulated it should run, describing at least each section over which said line runs in such county or town, it shall be the duty of the proper officers in behalf of such county, town, city or village, to subscribe for and take or agree to take stock or bonds of said company

of the kind and description, to the amount, and on the terms and conditions specified in such propositions of said company, and in the payment therefor to make, issue and deliver to the custodian mentioned in the proposition of said company to such county, town, city or village, the bonds of such county, town, city or village, as the case may be, and the said custodian is hereby required to deliver to said railroad company the said bonds when said company shall have finished and put in running order a first-class railroad from the southern terminus of said railroad to the point agreed upon and fixed in said proposition, and shall have complied with all the conditions of said proposition on the part of said company to be complied with; but before such delivery, all coupons which have matured upon such bonds shall be canceled and endorsements made if necessary, so that such bonds shall draw no interest prior to the delivery thereof to said company. But if such company shall fail to finish said road previous to the time fixed by said proposition, it shall be the duty of such custodian to deliver such bonds with all coupons belonging thereto to the proper officers of the county, town, city or village issuing the same, who shall in his presence destroy the same, or in case such subscription is payable in money, and not to be secured by bonds, then it shall be the duty of the proper authorities of such county, town, city or village to levy, collect and pay to said company in money, the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company, and such tax shall be in addition to all other taxes authorized by law, and shall be levied upon and collected from all taxable property in such county, town, city or village, in the same manner that general taxes are levied and collected by law.

**Definition of proper officers and proper authorities.**

SECTION 5. For the purposes of this act, the term, "proper officers" shall be held to intend and mean, in the case of a county, the chairman and clerk of the county board of supervisors of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor and city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities" shall be held to intend and mean, in the case of a county, the county board of supervisors; in the case

of a town, the town board of supervisors; in the case of a city, the common council, and in the case of a village, the board of trustees or other local govermental board, by whatever name it may be called, which is clothed with the power to levy taxes; and any and all bonds issued under this act by any county, town, city or village shall be officially signed by the proper officers thereof as aforesaid, and sealed with its corporate seal, if it have one; and in case of a town, there shall be added the certificate of the clerk of the board of supervisors of the county in which the town is situated, under the seal of the county, that the town officers subscribing the bonds are in fact such officers, and that their signatures thereto are genuine.

Shall be severally liable.

SECTION 6. Every county, town, city or village which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity to pay and discharge the principal and interest upon every such bond issued by it, and the faith of every such county, town, city or village shall by the issue of such bond or bonds be irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village shall annually levy and collect a tax on all its taxable property, for the payment of all moneys to fall due upon such bonds, whether for interest or principal, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and strictly applied to that purpose; and it may, in the discretion of the proper authorities, raise a greater sum in any one year than is needed to pay what falls due in that year, and apply the same to the purchase and discharge of such bonds at the lowest practicable rate or price.

May appoint agent to cast vote.

SECTION 7. The proper authorities of any such county, town, city or village may appoint an agent, who shall vote at all meetings of stockholders of said company, for the election of officers or otherwise, on all the stock of such county, town, city or village, as the case may be, on which there is no default in payment of the subscription for such stock, or of the interest on the bonds given for such stock, but not on any stock if any such default exists on the part of any such county, town, city or village, as the case may be.

May sell stock.

SECTION 8. The proper authorities of such county, town, city or village, as the case may be, are hereby authorized to sell or contract to sell said stock to any purchaser, and if any such stock or bonds of said company so taken by such counties, towns, cities or villages shall be sold, the proceeds of sale shall be wholly and strictly devoted to the payment or purchase of the bonds so given for the same until such bonds last named are all paid or taken up and canceled. Any county, town, city or village, such as is mentioned in section one of this act, may receive, entertain and hold an election upon two or more successive propositions, such as are referred to in section two of this act.

Route of road not to be changed.

SECTION 9. After such county, town, city or village shall have paid money or given bonds for stock to said company, as permitted by this act, said company shall not materially change or alter the location of that part of its road which lies within the limits of such county, town, city or village, as the case may be.

Certain towns released.

SECTION 10. A proposition from said company to the towns of Elkhorn or Whitewater, under the provisions of section two of this act, shall be considered a release of such town from any obligation to subscribe to the stock of said company or to issue bonds to said company in pursuance of any vote at any election heretofore held. And the town and village of Whitewater are hereby prohibited from subscribing to the stock or bonds of said company, or issuing bonds or raising money by tax for the purposes contemplated in this act, to an amount exceeding in the aggregate the sum of fifty thousand dollars, and the town of Elkhorn is prohibited from subscribing to the stock or bonds, or raising money by taxation as aforesaid, to an amount exceeding fifteen thousand dollars.

SECTION 11. This act is hereby declared to be a public act and shall be immediately published, and shall be in force from and after its passage and publication.

Approved March 16, 1871.

## CHAPTER 97.

[*Published April* 1, 1871.]

**AN ACT to amend section one of chapter 93 of the general laws of 1866, which is an act to provide remedies in addition to the remedies provided by sections 100 and 101 of chapter 18 of the revised statutes, for the collection of delinquent personal property taxes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of said chapter 93 of the laws of 1866 is hereby amended by adding at the end thereof the following words: "And the county treasurer, after one year from the time that such delinquent personal property tax was returned to his office by the treasurer of any town, village or city, upon the filing in his office of the affidavit of the sheriff, his deputy or under sheriff, stating that such tax is not collectable, shall charge the same back to such town, village or city. **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1871.

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## CHAPTER 98.

[*Published April* 1, 1871]

**AN ACT to amend section 75 [of chapter 155] of the general laws of 1863, relating to common schools, and to provide for the collection of taxes in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventy-five [of chapter 155] of the general laws of 1863 is hereby amended so as to read as follows: Whenever a school district embraces a part of more than one town, it shall be the duty of **Amended.** **In case school district embraces more**

than one town, how assessed.

the town assessors of the towns so in part embraced, and they are hereby required to meet at the school house in such district on or before the Saturday next preceding the time fixed by law for the return by the town assessors of the assessment rolls to the clerk of the county board, and shall proceed to enquire and determine whether the valuation of taxable property in the assessment rolls of such towns are just, as compared with each other, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such districts so lying in different towns. If the assessors cannot agree as to the valuation of the real estate of the different parts of the joint districts and the proportionate amount of tax to be assessed on each part, they shall call to their aid the supervisors of the several towns so embraced; and if the assessors and supervisors cannot determine the question, they shall call to their aid the chairman of the board of supervisors of an adjoining town, whose vote shall decide the question at issue. Each assessor or supervisor refusing or neglecting to act when applied to as above set forth, shall be liable to a penalty of twenty dollars, to be recovered by an action which may be brought and prosecuted by any person applying for relief in the matter of taxation.

How errors or omissions corrected.

SECTION 2. In all cases where a school district is formed of part of two or more towns, and whenever there may have been errors or omissions so as to render the school tax levied upon the property in any one of said towns irregular or illegal, and said tax shall not be paid, it shall be the duty of the district clerk, when he certifies the amount to be collected for the succeeding year, to also certify the amount so delinquent, to the clerk of said town, who shall apportion the same in the same manner as is now provided by law for taxes regularly assessed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1871.

## CHAPTER 99.

[*Published March* 22, 1871.]

AN ACT to further provide for the completion of the Northern Hospital for the Insane at Oshkosh.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 6 of chapter 39 of the general laws of 1870 is hereby amended by adding to the end of said section as follows: "and also by the appropriation made in section 4 of chapter 39 of the general laws of 1871, entitled an act to prepare the additional institution for the insane, at Oshkosh, for the reception of patients," passed in session of 1871. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1871.

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## CHAPTER 100.

[*Published March* 22, 1871.]

AN ACT to amend chapter 324, general laws of 1864, entitled an act to aid the Tomah and Lake St. Croix Railroad Company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That section one of chapter 324 of the general laws of 1864, entitled an act to aid the Tomah and Lake St. Croix Railroad Company, be and the same is hereby amended by adding to said section the words, "excepting the lands situated in the county of Pierce." Amended.

SECTION 2. All acts and parts of acts inconsistent with or in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

memorandum of such order shall be endorsed upon the subpoena.

Abuse of patients a misdemeanor.

SECTION 7. Abuse, neglect or ill-treatment of an insane patient by the superintendent or any person under him, with his knowledge and permission, shall be deemed an offense meriting expulsion from office, and shall moreover subject the person so abusing or ill-treating such insane patient, to fine or imprisonment or both, at the discretion of the court, and such case may be prosecuted by any person cognizant of the fact, in the name of the state of Wisconsin, before any court of competent jurisdictien in the county of Dane; and any fines collected in pursuance of the provisions of this section shall be paid into the treasury of said hospital.

How to procure discharge of patient.

SECTION 8. All persons confined in said hospital as insane patients, shall be entitled to the benefits of the writ of habeas corpus, and the question of insanity shall be determined by the court issuing such writ; and if the court before whom such case is brought, shall decide that the person is insane, such decision shall be no bar to the issuing of said writ a second time, if it shall be claimed that such person has been restored to reason; *and it is hereby further provided*, that if it be alleged that any person is improperly confined in said hospital as an insane person, the board of trustees shall have power to examine into such case, in such manner as in their opinion its necessities demand; and if, after such examination shall have been carefully and critically made, aided by at least two skillful and experienced physicians, who shall be designated by said board, it shall appear to them that such person is not insane, and should not be thus confined, they shall issue an order for his or her immediate release from such confinement; and such order shall be forthwith executed by the superintendent of said hospital.

Admission to idiots.

SECTION 9. No person idiotic from birth shall be admitted into the hospital for the insane; and no person shall be retained in said hospital after, by a fair trial, it shall have become reasonably certain that such person is incurably insane, if such person is retained to the exclusion of others whose cases are of a more hopeful character.

Ratio of admission.

SECTION 10. The admission of patients from the several counties of this state shall be in the ratio of th

population of each of such counties; but each county shall be entitled to at least two such patients, if it shall seek to do so. And in no case shall any county have more than its just proportion of patients in said hospital, unless there be some other county which has not the proportionate number of insane persons which it is entitled to furnish in the order of admission, but whenever it shall appear from the affidavits of the chairman of the county board of supervisors, and the sheriff of the county, together with the certificate of the county judge, that the residence of the person adjudged insane, according to law, is unknown, and after due diligence cannot be ascertained, the superintendent shall receive such unknown insane person as a patient from the state at large, and shall not charge said patient against the ratio of patients to which said county is entitled.

Expense of maintenance.

SECTION 11. All insane persons, residents of this state, who may be admitted into said hospital for treatment shall be maintained therein at the expense of the state: *provided*, the county in which any such patient resided before being brought to the hospital shall pay the sum of one dollar and fifty cents per week for the support of such patient; *and provided further*, that the relatives, friends or guardians of any patient may provide for the support of such patient as hereinafter provided.

Application for admission.

SECTION 12. The application of friends or guardians for the admission of patients and the order of the county judge committing such patients to the hospital, as authorized by law, shall be accompanied with the certificate of two or more reputable physicians, who shall state that after a personal examination, made within one week from the date thereof, that they are fully satisfied that said person is insane, and this certificate shall be duly acknowledged and sworn to or affirmed before some magistrate or judicial officer, who shall certify to the genuineness of the signature and respectability of the signers, and to the said application or order, as the case may be, shall be annexed full and precise answers to as many of the following questions as are applicable to the case, and forward the same to the superintendent:

Interrogatories.

1. What is the patient's age?
2. Where was the patient born?

3. Present place of residence?

4. Married, single or widowed?

5. If children, how many, and age of the youngest?

6. What has been the patient's occupation, and reputed pecuniary circumstances?

7. When were the first symptoms of disease manifested, and what were they?

8. Is this the first attack? If not, when did others occur, and what were their duration?

9. What is the cause of this attack?

10. Is the disease increasing or stationary?

11. Are there rational intervals? If so, how often, and what is the duration?

12. Have any changes occurred in the condition of mind or body since the attack?

13. On what subject, or in what way, is derangement now manifested? Are there any permanent hallucinations?

14. Has the patient shown any disposition to injure others? and if so, was it from sudden passion or premeditation?

15. Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?

16. Has the patient any disposition to destroy clothing or other property?

17. Is there any disposition to filthy habits?

18. What treatment was pursued for the relief of the patient? Mention particulars and effects.

19. What is the present physical condition?

20. Has restraint or confinement ever been employed? If so, what kind and how long?

21. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; any predominant passions, religious impressions, etc.

22. Was the patient ever addicted to the intemperate use of intoxicating drinks, opium or tobacco, or any improper habits?

23. Has the patient ever had an injury of the head, paralysis, epileptic or other fits? Any hereditary disease, suppressed eruptions, discharges or sores?

24. What relatives, including grand parents and cousins, have been insane?

25. Were the parents blood relations?

26. To whom and where should letters be addressed in case of death, need of clothing, etc.?

27. State any other matter supposed to have a bearing on the case. If epileptic, state duration and frequency of paroxysm.

SECTION 13. Patients may be admitted into the hopital by the superintendent on the written request of relations, friends or guardians of such patients and upon the written certificate of two physicians, and also certificate of the county judge of the county where such patient resides, with the seal of the said county court thereto attached, certifying that such patients, (naming them), upon due examination held before him, have been found to be insane, and authorizing said superintendent to receive, maintain and furnish them with suitable clothing at the expense of said county, and whenever the relations, friends or guardians on whose request any patient admitted into the said hospital, shall neglect or refuse to make suitable provisions for the maintenance and clothing of said patient, the superintendent shall notify the clerk of the board of supervisors of the county from which such patient was brought to the hospital of such neglect or refusal, and after the issuing of such notice, the expense for maintenance and clothing for such patient shall be charged to said county as provided in sections eleven and twenty-three of this act. **May be admitted on certificate.**

SECTION 14. The trustees shall from time to time, fix the sum to be voluntarily paid per week for the board and care of patients who are maintained in the the hospital by their relations, friends or guardians, and the weekly sum so fixed, which shall not exceed the average annual cost for the support of patients in the hospital shall be the sum the said hospital shall be entitled to demand for the maintenance of any patient. **Shall fix sum to be paid for board.**

SECTION 15. The county judge of any county, upon information being filed before him that there are insane persons within the county needing care and attention, shall give his warrant, directed to the sheriff of said county, authorizing him to summon two physicians of acknowledged skill and abillity in the medical profession, to be named in the warrant, who are residents of this state, who shall without delay, proceed to examine the person charged with insanity, and if after such examination the physicians shall certify to **Examination by county judge.**

the county judge that the person or persons charged in the information are found to be insane, if he so finds, the judge shall then make out a warrant and place it in the hands of the sheriff of said county, who shall receive the persons therein named, and convey them to the hospital: *provided*, before making such order it shall be the duty of the county judge to ascertain that there is room for the accommodation of such patents in the hospital. Such warrant may be in form, the following:

Form of warrant.

STATE OF WISCONSIN, ——— *county.*

*To the superintendent of the Wisconsin Hospital for the Insane:*

A—— B——, having been, upon examination, found to be insane, you are therefore required to receive him into the hospital, and keep him there until he be fully discharged.

In witness whereof, I have hereunto set my hand, and affixed the seal of said county, this —— day of ——, A. D. 18—.

Upon receiving the patient and the certificate provided in section ——, the superintendent shall endorse upon said warrant a receipt substantially as follows:

Receipt.

WISCONSIN STATE HOSPITAL FOR THE INSANE,
——, A. D. 18—.

Received this —— day of ——, the patient named in the within document.

A—— B——, *Superintendent.*

The sheriff shall make return of the warrant to the county judge, who shall preserve the same in his office.

Sheriff's fees.

SECTION 16. The sheriff shall be allowed the following fees: For arresting and bringing a person charged with insanity before the county judge, and subpœnaing witnesses, the same fees as now allowed in other cases. For taking an insane person to the hospital, or removing one therefrom, mileage, at the rate of five cents per mile going and returning, and one dollar and fifty cents a day for the support of each patient on his journey to and from the hospital, and to each assistant, five cents per mile. Witnesses subpœnaed before the county judge, the same fees as allowed by law in other cases. Said fees and charges to be paid out of the county treasury.

SECTION 17. The relatives of any person charged with insanity, or who shall be found to be insane, under sections thirteen and fifteen of this act, (*and*) shall, in all cases, have the right to take charge of and keep such insane person or persons, if they shall desire so to do. But the county judge may require a bond of such relatives, conditioned for the proper and safe keeping of such person or persons. And if the relatives or friends of any patient kept in the hospital shall ask the discharge of such patient, the superintendent may, in his discretion, require a bond to be issued to the state of Wisconsin, in such sum and such sureties as he may deem proper, conditioned for the safe keeping of such patient: *provided*, that no patient who may be under the charge of or conviction of homicide, shall be discharged without the consent of the superintendent and board of trustees. Other patients may be discharged from the hospital upon application to the superintendent, or by order of the trustees, as provided in section eight in this act. Incurable and harmless patients shall be discharged whenever it is necessary to make room for recent or more hopeful cases, as ordered by the trustees. **Relatives may take charge of insane person.**

SECTION 18. Whenever an order is made for the removal of a patient from the hospital, the superintendent shall immediately give notice thereof, under the seal of the hospital, to the county judge of the county from which said patient was sent, and thereupon the county judge shall issue his warrant to the sheriff of said county, which shall be substantially as follows: **Notice of removal.**

STATE OF WISCONSIN, —— COUNTY. **Warrant for removal.**

WHEREAS, The proper authority has decided that —— ——, a patient in the Wisconsin State Hospital for the Insane, from this county, be removed from the hospital; you are therefore commanded forthwith to remove such patient, and return him to —— county house or jail, in the county whence he was taken to the hospital.

Witness my hand and seal of said county, this —— day of ——, A. D. 18—.

—— ——, County Judge.

Immediately upon receiving such warrant, it shall be the duty of the sheriff forthwith to execute the same **Duty of sheriff.**

and return it to the county judge by whom it was issued; and if any county judge, upon receiving such notice, shall refuse or neglect for the space of five days to issue such warrant and place it in the hands of the sheriff, or if the sheriff shall refuse to receive the same, or neglect for the space of twenty days after receiving the warrant to demand such patient, the superintendent may appoint some suitable person to remove such patient at the expense of the county in which the patient resided, before being brought to the hospital: *provided, however*, that it shall in no case be necessary for the superintendent to give such notice to the county judge, when the friends of such discharged patient are ready and willing to remove him, but such patient may at once be entrusted to their care.

**Shall furnish clothing, etc.**

SECTION 19. When any patient is discharged as cured, the superintendent shall furnish him with suitable clothing and a sum of money not exceeding twenty dollars, unless otherwise supplied, which clothing and money shall be charged to the county from which such patient was sent.

**In case of child birth.**

SECTION 20. If any female patient shall give birth to a living child while such female is an inmate of the said hospital, and if she has not been an inmate of the said hospital for more than nine months, such child shall be immediately removed from the hospital by the friends of the mother, or by the county in which the mother resided before being sent to the hospital. But if such child is not so removed immediately after the county judge has been notified by the superintendent to make such removal, the said superintendent shall cause suitable provision to be made for the care and comfort of such child, and shall charge all accruing expenses to the county in which the mother resided before being sent to the hospital. And if any such county shall neglect to pay the expense of taking care of and supporting such child, the said superintendent shall include the amount due from such county for such purpose, in the report which he is required to make to the secretary of state, by section twenty-one of this act, which shall be collected and paid out as therein provided.

**Shall certify amount due from counties.**

SECTION 21. The superintendent shall certify to the secretary of state, on the first days of January, April, July and October, the amount, (not previously certified

by him) due the said hospital from the several counties as provided in this act, and said secretary shall pass the same to the credit of the hospital. The secretary shall thereupon notify the county clerk of each county so owing the amount thereof, and charge the same to said county, and the board of supervisors shall add such amount to the next state tax to be levied in said county, and pay the amount so levied into the state treasury.

How cost of maintenance to be collected.

SECTION 22. By direction of the board of supervisors, the county clerks of the several counties are authorized and empowered from time to time, to collect from the property of any patient maintained at the hospital, at the cost of such counties, or from any person or persons legally bound to support such patient, the amount for which such county is liable for the support of such patient in the hospital; and the amount so certified as due from such county to the hospital for the maintenance and clothing of such patient by the superintendent, attested with the seal of the hospital, shall be *prima facie* evidence of the correctness of such amount.

Clothing to be furnished.

SECTION 23. The clothing to be furnished each patient upon being sent to the hospital, shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pair of pantaloons of woolen cloth, two under shirts, two pair of drawers, three pair of socks, a black or drab stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots or shoes, and a pair of slippers. For a female, in addition to the same quantity of under garments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two night gowns, cloak or shawl, and a decent bonnet. Unless such clothing be delivered to the superintendent, in good order, he shall not be bound to receive the patient: *provided, however*, he may receive and furnish them with proper clothing, charging the price thereof to the proper persons or county: *provided, further*, that in addition to the clothing required for patients on their admission, the amount for which counties shall be liable shall not exceed the sum of forty dollars for any one patient in one year.

Steward to execute bond.

SECTION 24. The steward shall execute a bond to the institution in a sum and with such securities as the board of trustees shall approve, conditioned that he

will faithfully perform the duties of his office and pay in and account for all the money that shall come into his hands belonging to the state.

Reports.

SECTION 25. The superintendent and steward shall report to the trustees from time to time, as shall be provided in the by-laws. The trustees shall report to the governor at their annual meeting, next preceding the meeting of the legislature, and so much oftener as they may deem necessary, of the condition and wants of the hospital. Their annual report shall be accompanied by full and accurate reports of the superintendent, and a detailed account of all moneys received and disbursed by the steward.

Copies of the by-laws.

SECTION 26. The trustees shall furnish and mail when printed, copies of the by-laws, to the county judges in the state, and the superintendent shall on the first days of January, April, July and October in each year, send notice to the clerks of the board of supervisors, of the number of patients in the hospital from their respective counties, and for whose support said counties are liable.

Repealed.

SECTION 27. Chapter 263 of the general laws of 1860, entitled "an act to provide for the government of the Wisconsin State Hospital for the Insane, and for other purposes," and the several acts amendatory thereof, are hereby repealed.

SECTION 28. This act is hereby delared a public act, and shall take effect on the first day of April, A. D. 1871.

Approved March 20, 1871.

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## CHAPTER 103.

[*Published March* 23, 1871.]

**AN ACT requiring owners of threshing machines to guard against accidents.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Tumbling rods to be boxed.

SECTION 1. All persons owning or running any threshing machine in this state shall cause the joints

or knuckles and jack of the tumbling rods to be boxed or otherwise secured, in such manner as to prevent injury to persons passing over or near such joints or knuckles and jacks: *provided*, that persons owning or running threshing machines having S. A. Taylor's patent knuckle, J. I. Case & Co.'s safety knuckle, C. W. Yates' safety coupling or knuckle, Pitts' self-oiling, antifriction safety universal joint and James Braley's safety coupling ring attached, shall not be required to box or otherwise secure such knuckles or joints.

SECTION 2. Any person or persons owning or running any threshing machine in this state who shall neglect or refuse to comply with the provisions of section one of this act, shall for each day he shall so refuse or neglect, be punished by fine of not less than two dollars nor more than ten dollars in the discretion of the court in which such prosecution shall be had. **Penalty for neglect.**

SECTION 3. Chapter 40, general laws of 1861, chapter 64, general laws of 1863, chapter 164, general laws of 1865, and chapter 68, general laws of 1867, and all other acts or parts of acts contravening the provisions of this act are hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after the publication thereof.

Approved March 20, 1871.

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## CHAPTER 104.

[*Published March* 22, 1871.]

**AN ACT to amend chapter 184 of the revised statutes, entitled of "inquests of the dead."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 184 of the revised statutes is hereby amended as follows: In all cases where inquests are to be taken by virtue of said chapter, in the city of Milwaukee, the same shall be taken by the coroner of the county of Milwaukee, and said coroner shall perform all the duties of taking such inquests in **Amended.** **How inquests taken.**

## CHAPTER 109.

[*Published April* 1, 1871.]

AN ACT relating to the fees of deputy clerks of the circuit courts, and amendatory of section one of chapter ninety-three (93) of the general laws of 1867, entitled, "an act to provide for the compensation of deputy clerks of the circuit courts in the respective counties of this state."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 93 of the general laws of 1867 is hereby amended by striking out all after the word, "employed," in the eighth line of said section.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1871.

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## CHAPTER 110.

[*Published March* 30, 1871.]

AN ACT to appropriate money to pay witnesses for the state in a certain case.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriated.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum of money sufficient to pay the mileage and attendance of the witnesses on the part of the state in the case of D. K. Tenney against the state, and the secretary of state is hereby authorized to audit and allow the same to the said witnesses upon the sworn statement of the attorney general to the fact of such attendance and travel.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1871.

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## CHAPTER 111.

[*Published March* 30, 1871.]

AN ACT to repeal section 11 of chapter 8 of the general laws of 1870, entitled "an act to amend chapter 361 of the general laws of 1860, entitled 'an act conferring jurisdiction on the county court of Winnebago county,'" and to restore section 23 of chapter 361 of the general laws of 1860.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 11 of chapter 8 of the general laws of 1870 is hereby repealed, and section 23 of chapter 361 of the general laws of 1860, is hereby revived and restored, and made of full force and effect. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1871.

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## CHAPTER 112.

[*Published March* 30, 1871.]

AN ACT to amend chapter 16 of the general laws of 1870, entitled "an act to authorize the appointment of phonographic reporters for the circuit court for the counties of Green Lake and Dodge, in the third judicial circuit."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter sixteen of the general laws of 1870 is hereby amended by striking Amended.

How remaining proceedings conducted.

SECTION 3. The remaining proceedings shall be conducted in like manner and in all respects conform to sections 62, 63, 64, 65 and 66 of said chapter 152; *and it is further provided*, that the word, "supervisors," in said sections 62, 63, 64, 65 and 66 of said chapter 152 shall be construed to mean town supervisors, and not county supervisors, for the purpose of determining on said damages.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1871.

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## CHAPTER 115.

[*Published April* 4, 1871.]

AN ACT to consolidate all acts now in force for the government and management of the State Prison, and to amend the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall be the general penitentiary and prison.

SECTION 1. The State Prison at Waupun, in the county of Dodge, shall be the general penitentiary and prison of the state of Wisconsin, for the reformation, as well as the punishment of offenders, in which shall be confined, employed at hard labor, and governed in the manner hereinafter directed, all offenders who have been committed and sentenced according to law to the punishment of solitary imprisonment, or imprisonment therein at hard labor.

State prison commissioner.

SECTION 2. The organization of the State Prison shall consist of one commissioner, who shall be known and styled, state prison commissioner, and who shall be elected by the people at the general election in November, at the same time and in the same manner as the governor and other state officers, and who shall hold his office for the term of two years from the first day of January next succeeding said elections, and until his successor shall be elected and qualified. Said commissioner shall be warden and treasurer of the prison.

# CHAPTER 114.

[*Published March* 31, 1871.]

AN ACT to amend certain sections of chapter 152 of the general laws of 1869, entitled "an act to authorize the county supervisors to lay out and establish highways in certain cases."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 152 of the general laws of 1869, entitled "an act to authorize the county supervisors to lay out and establish highways in certain cases," is hereby amended by adding at the end of section 130 of said chapter, the following: The survey and order establishing the highway, together with the award of damages to the owners and occupants of the lands on and across which said highway or any part thereof shall be laid out and established, as mentioned in section 130 of said chapter, shall be filed in the office of the town clerk of each town into or through which said highway may be so established within ten days after deciding upon said highway.

Sec. 152 amended.

Survey and order to be filed.

SECTION 2. Section 132 of said chapter 152 is hereby amended by adding at the end of said section the following: If any owner of lands through which a highway shall be laid out or altered by said county supervisors shall not be satisfied with the sum awarded for damages by such county supervisors, he may within thirty days after the filing of the award of damages in the office of the town clerk, as provided in the preceding section, apply to a justice of the peace of an adjoining town for a jury to assess and appraise such damages; such application shall be in writing, describing the premises, and any number of persons in said town claiming damages on account of such highway may join in such application. The party appealing shall serve on two of the town supervisors of such town, at least six days before the time fixed for making such application, a notice in writing specifying therein the name of the justice to whom, and the time and place when and where such application shall be made.

Sec. 132 amended.

If owner not satisfied with award, may apply for jury.

and six cents per mile for every mile actually traveled in the discharge of his duty, and he shall also be entitled to all necessary fuel for his family use. The deputy warden shall receive the sum of three dollars per day; the prison clerk shall receive the sum of one thousand dollars per annum; the prison chaplain shall receive the sum of five hundred and fifty dollars per annum; the overseers of machinery in the respective departments of mechanical labor, and the turnkey and yard master shall each receive the sum of two dollars and fifty cents per day; and the overseer in the cooking department, and all keepers and guards shall each receive the sum of two dollars per day. Each of said officers shall be paid quarterly by the commissioner, out of the treasury of the prison, from money appropriated by the legislature for that purpose, or out of money received from other sources.

Annual report of commissioner.

SECTION 7. The commissioner shall, on the 30th day of September in each year, make an annual detailed report to the governor, verified on oath, which shall contain a full and accurate statement of all concerns of the prison, for the year ending on the said 30th day of September; also a list of the convicts who have been discharged, pardoned and died during the year, and an estimate of the expenses for the ensuing year, which report shall be laid before the legislature by the governor.

Shall have charge of the prison and be treasurer.

SECTION 8. The commissioner shall have the charge and custody of the prison, with the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining thereto, or within the precincts thereof, and shall superintend the police of the prison and discipline of convicts. He shall be treasurer of the prison, and shall receive and pay out all moneys granted by the legislature for the support of the prison, and such as may accrue from business in the shops, under contract or otherwise, rentage or the sale of any article or articles of chattel property. It shall be the duty of the commissioner to keep an account of all moneys received for gate fees for admission to the prison, the amount of which, for each year, shall be embraced in his annual report, and shall constitute a part of the prison revenues.

How contracts to be made.

SECTION 9. All contracts made on the part of the state by the commissioner, on account of the prison,

shall be made in writing, and approved by the governor, before taking effect, unless when the wants or necessities of the prison shall compel the commissioner to purchase supplies of any kind, immediately; in which case he may purchase the same upon verbal agreement, and in either case the commissioner or his successor, may sue or be sued thereon, to final judgment and execution. No suit shall abate by reason of the office of commissioner becoming vacant, but any successor of the commissioner, pending such suit, may take upon himself the prosecution or defense thereof, and upon motion of the adverse party and notice, he shall be required so to do, except in the purchase of annual supplies of food, fuel and such other articles as are required and used in large quantities for prison consumption or manufacturing purposes, the commissioner shall have power to make all purchases for the prison, on such conditions, and in such manner as in his opinion will best promote the interests of the state.

**How suits perpetuated.**

SECTION 10. Whenever a controversy shall arise respecting any contract made by the commissioner on account of the prison, or a suit shall be pending thereon, the commissioner may submit the same to the final determination of arbitrators or referees, to be appointed by the governor.

**May submit controversy to arbitrators or referees.**

SECTION 11. Whenever the commissioners shall determine to contract for the furnishing of the principal articles purchased for the use of the prison, such as food, fuel, stone, iron and steel, the same shall be contracted for by the year, when such contracts can be advantageously made; and the commissioner shall give previous notice, in at least two newspapers printed in the state of Wisconsin, of the articles wanted, the quality and quantity thereof, as near as the same can be ascertained, the time and manner of delivery, and the period during which such articles shall be received. Such notice shall be published at least three successive weeks.

**Contract for articles for use of prison by the year.**

SECTION 12. All such proposals shall be in writing and sealed up, and on the day appointed in the notice mentioned in the foregoing section they shall be opened by the commissioner, who shall cause all offers made in such proposals to be entered in a book and compared. The person offering the best terms, to-

**Sealed proposals and award of contract.**

such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner or prisoners, to be fixed and allowed by the proper auditing officer or auditing board of the proper county.

Shall state condition of prisoners.

SECTION 20. Whenever a sheriff or deputy sheriff shall deliver to the commissioner a prisoner or prisoners, who shall be under the influence of spirituous liquors at the time of such delivery, said commissioner shall state in his receipt to the sheriff or deputy sheriff the condition in which said prisoner or prisoners were delivered, and he shall in such case make a duplicate receipt and send the same to the clerk of the circuit court where the conviction and sentence of such prisoner or prisoners were had, who shall file the same in his office.

Duties of chaplain.

SECTION 21. The chaplain shall hold divine service in the chapel of the prison at least once on each Sabbath, instruct the prisoners in their moral and religious duties and visit the sick on all suitable occasions. He shall also act as librarian, and prepare a list of the number and title of the books in the library, with a statement of their condition, which information shall be embodied in the report of the commissioner to the governor, required by section seven of this act.

Medical attendance on convicts.

SECTION 22. Whenever any convict shall complain of any such illness as requires medical aid, the warden shall employ some physician who shall visit such convict, and if in the opinion of such physician, the illness is such as to require his removal to the hospital, the warden may order such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

All processes to be served on commissioner.

SECTION 23. All processes to be served within the precincts of the prison, either upon convicts or upon persons or officers employed within the precincts of the prison, shall be served by the commissioner or deputy warden; and all officers of the prison shall be exempt from military duty, from serving on juries in any court, and from highway poll tax.

Charge and custody of convicts.

SECTION 24. All convicts in the prison shall be in the charge and custody of the commissioner, who shall govern and employ them in the manner prescribed by law, the rules and regulations of the prison, and in

conformity to the respective sentences under which they shall be committed.

SECTION 25. All officers and persons employed in and about the prison shall perform such duties in the charge and oversight of the prison, the care of the property belonging thereto, and the custody, government, discipline and employment of the convicts, as shall be required of them by the commissioner in conformity to law, and the rules and regulations of the prison. **Duties of employes.**

SECTION 26. The warden shall receive into the state prison all persons convicted before any court of the United States held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in the said prison, and he shall safely keep and employ such convicts, pursuant to their sentence and the rules and regulations of the prison, until such sentence shall be performed or the said convicts shall be otherwise discharged by due course of law of the United States. **Shall receive convicts before United States courts.**

SECTION 27. Whenever any convict, sentenced by any court of this state or the United States, to be punished by imprisonment in the state prison, shall, at the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison, but if the judgment against such convict shall be reversed on writ of error, he shall be restored to his office, with all its rights and emoluments; but if pardoned, he shall not by reason thereof be restored. **If convict hold office, it shall be deemed vacated.**

SECTION 28. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for violation of any of the rules and regulations of the prison, shall be confined in one of the solitary cells, and during such confinement he shall be fed on bread and water only, unless a physician called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet. **Solitary confinement.**

SECTION 29. All convicts sentenced to the punishment of hard labor in the said prison shall be constantly employed for the benefit of the state. No communication shall be allowed between them and any person without the prison. They shall be confined in **Employment and non-intercourse.**

separate cells in the night time, and in the day time all intercourse between them shall, as far as practicable, be prevented.

Punishment for assault and attempt to escape, of convicts sentenced for limited time

SECTION 30. If any convict, committed to the state prison under sentence for a limited time, shall escape therefrom, or shall attempt by violence to escape, or shall assault the commissioner or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in said prison not more than ten years in addition to his former sentence, and also by solitary imprisonment not more than one year, to be executed forthwith, or at such time or times, either before or after the expiration of any former sentence, as the circuit court of Dodge county may direct.

Of those sentenced for life.

SECTION 31. If any convict in the state prison under sentence of imprisonment for life, shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than one year, to be executed at such time or times as the circuit court of Dodge county shall direct.

Punishment of officers suffering convicts to escape.

SECTION 32. If any officer or other person employed in the state prison shall voluntarily suffer any convict confined therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Employment of convicts outside the prison.

SECTION 33. If the commissioner of the prison shall at any time deem it for the interest of the state, he may employ the convicts outside the prison or yard, in quarrying or getting stone and cultivating the prison farm, when the same can be done with safety as regards the security of the convicts from escape, and in all such cases the commissioner shall detail a sufficient force of the prison police, to watch and guard the convicts when so employed.

Punishment for showing favor to convicts.

SECTION 34. If any officer or person employed in the state prison shall suffer any convict under sentence of solitary confinement to be at large, or out of the cell assigned him, or shall suffer any convict confined in said prison, to be at large except in accordance with the provisions of this act, or allow said convicts to be visited, conversed with or in any manner relieved o

comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

SECTION 35. Every person who shall convey into the state prison any disguise, instrument, tool, weapon or thing, adapted or useful to aid any convict in making his escape therefrom, with the intent to facilitate the escape of any convict there lawfully convicted [committed] or detained, or who shall by any means aid any convict in his endeavors to escape, whether such escape be effected or not, and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict held in custody by an officer or other person, under sentence of imprisonment in the state prison, or shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in the said prison not more than ten years, or by fine not exceeding five hundred dollars. **For assisting them to escape.**

SECTION 36. If any officer or other person shall deliver or procure to be delivered, or shall have in his or her possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any article or thing whatever, with intent that any convict confined in said prison could obtain or receive the same, or if any officer or other person shall receive from any convict any article or thing whatever, with intent to convey the same out of said prison, contrary to the rules and regulations of said prison, and without the knowledge or permission of the warden or commissioner of the prison, every such person shall be punished by imprisonment in the state prison, or in the county jail, not more than two years, or by fine not exceeding five hundred dollars. **For the delivery of articles to them.**

SECTION 37. The circuit court of Dodge county shall have jurisdiction of all crimes and offenses committed within the state prison and the precincts thereof, and for the purpose of all judicial proceeding, the said prison and precincts thereof, shall be deemed in law to be within and a part of the county of Dodge. The daily sustenance of convicts not in solitary confinement, nor in the hospital, shall consist of healthy, coarse food, with such proportion of meat and vegeta- **Circuit court of Dodge county to have jurisdiction.** **Quality of food.**

bles as the commissioner shall deem best for the health of the convicts.

What articles prohibited.

SECTION 38. No tea, sugar, coffee, tobacco, snuff, spirituous liquors or any articles of indulgence shall be allowed any convict, except by order of the physician, which order shall be in writing and for a definite period, not exceeding one month: *providing, also*, that the commissioner may, in his discretion, make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior.

Clothing.

SECTION 39. The clothing and bedding of convicts shall be of such quality and quantity as the judgment of the commissioner may direct, consulting the health and comfort of the convicts, and the interests of the state.

Maintenance of order.

SECTION 40. All necessary means shall be used, under the direction of the commissioner, to maintain order in the prison, enforce obedience, suppress insurrection, and effectually prevent escapes, even at the hazard of life, for which purpose he may at all times command the aid of all the officers of the institution, and of the citizens outside the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties or forfeitures as apply to persons refusing to obey a sheriff or any other officer calling upon the aid of the county to assist in serving a process for quelling insurrection.

Governor shall visit.

SECTION 41. The governor shall visit the state prison once at least in each year, and make such suggestions in regard to the management, government and discipline of the institution as he may deem for the interest of the same.

May require new bonds.

SECTION 42. Whenever the governor shall deem it necessary, he may require the commissioner to file new bonds, with satisfactory security, in a larger sum than that specified in section fifteen of this act, subject to the approval of the governor; but such new bonds shall not be larger than the necessities of the case may require.

Conduct of officers.

SECTION 43. The commissioner shall require of the officers of the prison, that in the execution of their respective duties, they shall in all cases refrain from boisterous, harsh and unbecoming language in giving their orders and commands.

SECTION 44. The warden shall prevent all communications between male and female convicts. Communications.

SECTION 45. The commissioner may adopt such measures as he may deem proper to aid in detecting and capturing escaped convicts. Capture of escaped convicts.

SECTION 46. The money and effects, except the clothes in possession of each convict when committed to the state prison, shall be preserved by the warden, and restored to said convict when discharged or pardoned, unless otherwise ordered by the judge of the circuit court of Dodge county. Money and effects to be restored.

SECTION 47. Every convict when discharged or pardoned, shall be provided with a decent suit of clothes and a sum of money not to exceed five dollars, and may also be allowed employment in the prison, under the rules established for the government of convicts for such period of time, and at such rate of compensation at the commissioner shall deem just and equitable. Discharged convicts—how provided.

SECTION 48. It shall be the duty of the warden in case of the death of any convict, to cause the body to be decently buried, or to deliver it to the friends or relatives of such convict, if demanded by them within twenty-four hours, and if not so demanded, then to the the representatives of any medical college in this state. Disposition of body of deceased convict.

SECTION 49. Upon the filing of proper and reliable information with the governor, made upon oath, that the commissioner has been guilty of malfeasance or misconduct in office, the governor shall cause to come before him, on his warrant, said commissioner, on a day certain, to answer to the charge or charges contained in such information, and also the person or persons who have filed the same, together with the person or persons as may be designated by the informant or the commissioner, at any time during the pendency of the question involved in such information, to give evidence on a hearing of the charge or charges preferred. The governor shall proceed as soon as may be, to hear and determine the charges, upon evidence given under oath; and if such malfeasance and misconduct are substantially proved upon the commissioner, the governor may decide to remove him from his office, and may so remove him; which decision, together with the reason therefor, shall be written out at length, and shall be filed in the office of the secretary of state. Malfeasance of commissioner—how tried and punished.

Power of commissioner.

SECTION 50. The commissioner shall have power to do and perform any of the duties herein named.

Deputy to keep record of conduct of convicts, and certify the same.

SECTION 51. It shall be the duty of the state prison commissioner to require his deputy to keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month the said deputy shall give a certificate of good conduct to each convict who shall require it against whom is recorded no infraction of the rules of discipline, and upon each such certificate the commissioner may at his discretion diminish the term of any convict sentenced for a specific time, not more than five days; all such certificates shall remain on file in the prison office, subject at any time to be annuled by the commissioner for subsequent misconduct of the convict.

Suspension of solitary confinement.

SECTION 52. Any convict sentenced to periodical terms of solitary confinement, who shall obtain from the deputy commissioner a certificate that such convict has suffered at least one term of solitary confinement, and that ever after such term the conduct of such convict has been good for peaceful obedience, industry and integrity, on the receipt of such certificate the governor shall have power, at his discretion, to suspend the further solitary confinement of such convict during good behavior

Duty of chaplain as instructor.

SECTION 53. The chaplain shall devote not less than two hours per day, upon alternate days of each week, to instructing the prisoners in the common branches of an English education, and, with the consent of the commissioner, may call to his assistance in said educational labors such persons as he may deem qualified, from among the convicts of the prison.

Stationery for commissioner.

SECTION 54. It shall be lawful for the state prison commissioner to receive from the superintendent of public property all necessary stationery for the use of his office, and said superintendent of public property is hereby authorized and directed to give out all such stationery as may be necessary for said office upon the order of said commissioner or the deputy warden.

Books.

SECTION 55. The commissioner shall purchase such books and stationery as may be deemed necessary by him, for educational purposes within the prison.

Accounts of U. S. convicts.

SECTION 56. It shall be the duty of the state prison commissioner, once every six months, to make out and

present for settlement, to the proper auditing officer of the United States for this state, a certified account of the amount which shall then be due and unsettled for the support and maintenance of United States convicts in the state prison of this state.

Payment of said accounts.

SECTION 57. Whenever the amount due for the maintenance of United States convicts shall be audited and allowed, as provided in the preceding section of this act, it shall be the duty of the commissioner to file with the secretary of state a copy of such account stated, with the amount allowed thereon. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount so allowed, payable to the commissioner out of the state treasury, when the same shall be received from the United States.

Shall include number in his report.

SECTION 58. It shall be the duty of the commissioner when making his annual report to the governor, to include therein the number of United States convicts in the prison at the date of such report, the whole number therein during the preceding year, the number received and the number discharged during the same time, the amount received from the general government for their support and maintenance, and also the amount that may then be due and unaudited for like purpose.

SECTION 59. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 60. This act shall take effect and be in force from and after its passage.

Approved March 22, 1871.

## CHAPTER 116.

[*Published March* 30, 1871.]

**AN ACT to amend chapter 105 of the general laws of 1870, entitled an act for the preservation of game in the counties therein mentioned.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec. 2 amended.

SECTION 1. Section two of chapter one hundred and five of the general laws of 1870, entitled "an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant," is hereby amended so as to read as follows: No person shall at any time or at any place within either of the counties named in the first section of this act, catch or take with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge, ruffed grouse or quail so caught or taken.

Sec. 3 amended.

SECTION 2. Section three of said act is hereby amended so as to read as follows: No person shall at any time or at any place within either of said counties, kill any wild duck, brant or wild goose with or by means of the device, instrument or fire arm known as a punt or swivel gun, or with or by means of any gun or fire arm other than such guns or fire arms as are habitually raised at arm's length and fired from the shoulder, or shall use any such device, instrument or gun other than such shoulder gun as aforesaid, with intent to kill any wild duck, brant or wild goose under a penalty of fifty dollars for each and every offense.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

## CHAPTER 117.

[*Published March* 31, 1871.]

AN ACT to simplify the proceedings of actions for the recovery of real estate.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In any "action for the recovery of real property" commonly known as actions of "ejectment," the plaintiff therein shall be entitled to recover judgment for any interest which it shall be found or determined that the plaintiff has in the land or premises described in the complaint therein, or for any part or portion thereof for which it shall be found or determined the plaintiff is entitled to recover; and if there is one or more plaintiffs and a part only of the plaintiffs are entitled to recover, then judgment shall be for the plaintiff or plaintiffs to recover, and for such interest in a part of land or premises as aforesaid, for which such plaintiff or plaintiffs are entitled to recover as aforesaid, and the verdict of the jury (or the finding of the court) and judgment shall be accordingly. In ejectment suits, plaintiff may recover for interest in land.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 118.

[*Published March* 31, 1871.]

AN ACT relating to bail in criminal cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any person charged with a criminal offense shall be admitted to bail for his appearance at the circuit court to answer the same, he How bail may be given.

may at his option, give bail either for his appearance at the then pending or next regular term thereof, or for his appearance at such term and from term to term thereafter until discharged by law.

SECTION 2. The following forms of recognizance and bail bonds may be used:

Form of recognizance for next term.

For appearance at next term only:

STATE OF WISCONSIN, —— county.

We, A. B., C. D. and E. F., hereby give bail in the sum of —— dollars, (stating amount fixed as bail) for the appearance of said A. B. at the next regular term of the —— court for —— county, to answer a criminal prosecution for (state the offense).

Dated, —— ——.

(Signed), A. B.
C. D.
E. F.

Approved,

——, ——, Judge, etc.

From term to term.

For appearance from term to term:

STATE OF WISCONSIN, —— county.

We, A. B., C. D. and E. F., hereby give bail in the sum of —— dollars, (stating amount fixed as bail), for the appearance of said A. B., at the next regular term of the —— court for —— county, to answer a criminal prosecution for (state the offense), and from term to term thereafter, until discharged by law.

Dated, —— ——.

(Signed), A. B.
C. D.
E. F.

Approved,

——, ——, Judge, etc.

How bail given in open court.

SECTION 3. Bail given in open court may be entered on the minutes substantially thus:

For appearance at present or next term:

THE STATE,
vs.
A. B.

Came into court, A. B., C. D. and E. F., and gave bail in the sum of —— dollars, for the appearance of

said A. B. at the present (or, next regular) term, to answer to a criminal prosecution for (state offense.)

For appearace from term to term:

THE STATE,
vs.
A. B.

Came into court, A. B., C. D. and E. F., and gave bail in the sum of —— dollars, for the appearance of said A. B. at the present (or, next regular) term, and from term to term thereafter until discharged by law, to answer a crimnal prosecution for (state the offense.)

How bail bond shall bind principal and sureties.

SECTION 4. Bail bonds and recognizances given or entered in the above forms, or forms of substantially the same import, shall be as valid, binding and effectual, and as much a charge, as those given in the forms heretofore in use, and shall bind the principal and sureties, jointly and severally as follows:

1. If for the pending term only, for the appearance of the accused at the court from day to day during such term, unless excused from such daily appearance by the court.

2. If for the next regular term only, for the appearance of the accused at court at such term, on the first day thereof, and from day to day thereafter during term, unless excused by the court from such daily appearances.

3. If for all terms until discharged by law, for the appearance of the accused on the first day of each regular term, and from day to day thereafter during each term, unless excused by the court from such daily attendance, until discharged by law, and for like appearance at any court to which the case may be removed for trial.

4. That, at whatever term to which the bail applies, the accused shall do and receive what may by the court be then and there enjoined upon him, and not depart the court without leave.

Oath of sureties.

SECTION 5. The oath required of the sureties on a bail bond, or recognizance, may be subjoined to the same and substantially in the following form:

—— COUNTY—ss.

C. D. and E. F., the sureties above named, being severally duly sworn, each for himself on oath says

that he owns and possesses unincumbred real estate, within this state, not exempt from sale on execution, worth at least the sum of —— dollars, (amount to be double the sum at which the bail is fixed.)

C. D.
E. F.

Subscribed and sworn to before me, this —— day of ——, A. D. 18—.

——, Judge, Justice or otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 119.

[*Published March 30, 1871.*]

AN ACT to appropriate to John Boyd a sum of money therein named, and to O. B. Lapham the sum of $79.90.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriated.

SECTION 1. There is hereby appropriated to John Boyd the sum of one hundred and seventy-five dollars out of any money in the treasury belonging to the general fund not otherwise appropriated, which shall be in full compensation for all trouble and expense incurred by said John Boyd in contesting the seat of H. S. Town, now representing the 20th senatorial district, and to O. B. Lapham the sum of seventy-nine dollars and ninety cents out of any money in the treasury belonging to the general fund not otherwise appropriated, which shall be in full compensation for all trouble and expense incurred by said O. B. Lapham in contesting the seat of S. W. Pierce, of Adams county, in the assembly in 1870.

Warrant to be drawn.

SECTION 2. The secretary of state is hereby required to draw his warrant on the treasury in favor of the said John Boyd and O. B. Lapham for the amounts above

specified, and the treasurer is hereby required to pay the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 120.

[*Published April* 1, 1871.]

AN ACT to repeal section 4 of chapter 27 of the general laws of 1871, an act entitled "an act to amend chapter 130 of the general laws of 1868, an act entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 4 of chapter 27 of the general laws of 1871 is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 121.

[*Published April* 1, 1871.]

AN ACT to authorize and regulate the use of poison for the destruction of wolves, lynxes and wildcats in the months of January and February in each year, and to repeal chapter 45 of the general laws of 1866, entitled "an act to authorize poison to be used for the destruction of wolves and wildcats in the months of January and February in each year."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 45 of general laws of 1866, entitled "an act to authorize poison to be used for the Repealed.

destruction of wolves and wildcats in the months of January and February in each year" is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 122.

[*Published April* 1, 1871.]

**AN ACT to submit to the people an amendment to article four (4) of the constitution.**

PREAMBLE.

Preamble.

WHEREAS, The legislature of this state, at its annual session for the year 1870, proposed and adopted by a vote of the majority of the members elected to each of the two houses, an amendment to the constitution of this state in the following language:

Amendments to constitution.

*Resolved by the senate, the assembly concurring*, That article four of the constitution be amended by adding thereto two other sections, which shall read as follows: Section 31. The legislature is prohibited from enacting any special or private laws in the following cases: 1st. For changing the names of persons or constituting one person the heir-at-law of another. 2d. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by congress. 3d. For authorizing persons to keep ferries across streams, at points wholly within this state. 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability. 5th. For locating or changing any county seat. 6th. For assessment or collection of taxes, or for extending the time for the collection thereof. 7th. For granting corporate powers or privileges, except to cities. 8th. For authorizing the apportionment of any part of the school fund. 9th. For incorporating any town or village, or to amend the

charter thereof. Section 32. The legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state; and

WHEREAS, The foregoing proposed amendment to the constitution of the state was duly ratified and agreed to by the legislature of 1871, therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1871, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon, said amendment shall become a part of the constitution of this state. **Shall be submitted to vote.**

SECTION 2. The form of the ballot in voting to approve and ratify said proposed amendment shall be "against special legislation," and against said amendment, "for special legislation," which shall be on a separate ballot, and shall be deposited in a separate box to be provided for that purpose, and all persons qualified to vote at any election in this state shall be deemed voters on this question. **Form of ballot.**

SECTION 3. The votes cast approving and ratifying or disapproving said amendments shall be counted and returned by the inspectors of the election in all respects, as votes for state officers are counted and returned, and the officers now designated by law to canvass the returns of votes for state officers shall canvass the returns on this question, at the same time and place and under the same regulations and restrictions now provided by law for canvassing and declaring the returns of elections for state officers. **How votes to be canvassed.**

SECTION 4. Within three days after the determination of said canvass, it shall be the duty of the canvassers to certify the result of the said canvass to the governor, who shall thereupon, without delay, make proclamation of the result. **Canvassers to certify.**

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1871 **To be included in election notice.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 123.

[*Published March* 28, 1871.]

AN ACT to amend chapter 121 of the general laws of 1868, entitled "an act relative to the compensation of county judges."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2 of said chapter 121 is hereby amended so as to read as follows: The several county judges in this state are hereby prohibited from taking or receiving, either directly or indirectly, any fees whatever for their official services in the administration of of the estates of deceased persons in the matter of guardianship of minors.

SECTION 2. This act shall [take] effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 124.

[*Published April* 1, 1871.]

AN ACT to further provide for a course of instruction in the state normal schools, of pupils of the Soldiers' Orphans' Home.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. The trustees of the Soldiers' Orphans' Home are hereby authorized to appropriate out of the

current expense fund of said institution, an amount of money not to exceed fifty dollars for each pupil of the Home maintained by the state in the state normal schools, and also a further amount, not to exceed three hundred (300) dollars to defray the necessary expenses of the boy who may be admitted to the naval school at Annapolis, Maryland, by appointment of the president of the United States: *provided*, that no part of such appropriation shall be used, unless in the opinion of said trustees such appropriation shall be necessary, and after the amount appropriated under the provisions of section 1, chapter 49 of the general laws of 1870 shall have been expended.

Sec. 3 amended.

SECTION 2. Section 3 of said chapter is hereby amended so as to read as follows: Section 3. The board of trustees of said Home shall include in their annual report for each year, a detailed statement of their doings under authority of this act, and an itemized account of all expenses incurred, bringing such account up to the first day of September of each year, and shall also deposit vouchers in the office of the secretary of state, for all moneys expended in carrying out the provisions of this act.

Shall make detailed statement.

Sec. 4 amended.

SECTION 3. Section 4 of said chapter is hereby amended so as to read as follows: Section 4. There is hereby annually appropriated to the board of trustees of the Soldiers' Orphans' Home of Wisconsin from any money in the state treasury belonging to the general fund, not otherwise appropriated, the sum of two hundred dollars for each pupil being maintained in a normal school, in accordance with the provisions of this act, such appropriation to be from and after the first day of September 1870, including the amount already drawn from the treasury for that purpose: *provided*, that any balance of money remaining in the hands of said board of trustees the first day of September of any year, as shown by their report, or not accounted for by vouchers deposited in the office of the secretary state, shall be deducted by the secretary of state from the next annual appropriation thereafter.

Annual appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

# CHAPTER 125.

[*Published April* 1, 1871.]

**AN ACT to provide for levying and collecting a state tax for the year 1871.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**State tax to be levied.**

SECTION 1. There shall be levied upon all the taxable property of the state, and collected for the year 1871, a state tax of three hundred and forty thousand dollars, in addition to the amount authorized to be levied by existing laws. Said tax shall be apportioned among and assessed upon the several counties of the state, and collected and paid into the state treasury as provided by law.

**Secretary of state to certify amount of arrears to each county.**

SECTION 2. The secretary of state shall at the time he is required by law to apportion the state tax among the several counties, also specially certify to each county the amount for which such county is in arrears to the state at the time of the apportionment of the state tax, which amount shall be levied and collected and paid into the state treasury with the state tax for the year 1871. It shall be the duty of the clerks of the boards of supervisors of the several counties to levy the amount of state taxes apportioned to and charged against their respective counties, including their indebtedness as certified to them by the secretary of state, upon all taxable property therein as provided by law.

SECTION 3. This act shall take effect and be in [force] from and after its passage and publication.

Approved March 23, 1871.

## CHAPTER 126.

[*Published April* 1, 1871.]

AN ACT to amend chapter fourteen (14) of the revised statutes, entitled "of resignations, vacancies and removals, and of the supplying of vacancies."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sub-division four (4) of section one (1) of chapter fourteen (14) of the revised statutes is hereby so amended as to read as follows: "4. By sheriffs to the governor, and by all officers who hold their office by election, except officers elected at town meetings, to the officer or officers respectively authorized by law to order a special election to fill such offices respectively." Amended. Certificates of special elections.

SECTION 2. Sub-division six (6) of section two (2) of said chapter is hereby so amended as to read as follows: "6. The neglect or refusal of any person re-elected to such office to renew his official bond on such re-election, or to deposit the same in the proper office within the time prescribed by law." Amended. Penalty for neglect to renew bond.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 127.

[*Published March* 28, 1871.]

AN ACT to fix the time of holding the terms of the circuit court in the 4th judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The general terms of the circuit court for the fourth judicial circuit shall hereafter be held as Time fixed.

follows: In the county of Fond du Lac, on the first Monday of January, on the fourth Monday of April, and on the fourth Monday of September of each year. In the county of Sheboygan, on the third Monday of February, on the fourth Monday of May, and on the third Monday of November of each year. In the county of Calumet, on the second Monday of June, and on the second Monday of November of each year. In the county of Manitowoc, on the third Tuesday of June, and on the second Tuesday of December of each year. In the county of Kewaunee, on the first Monday of February, and on the second Monday of July in each year.

**Every term to be special term for other counties.**

SECTION 2. Every term of said circuit court in the counties of Fond du Lac and Sheboygan, shall also be a special term for the whole of said circuit, and all actions, motions, proceedings or other business now pending or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of said special terms, in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of, in the county wherein the same are now pending, or may hereafter arise, and when any causes or matters are pending in other counties different from the county in which the special term is held, the clerk of the court where said special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall be filed and entered by such clerk in the same manner as if said cause or matter had been heard or determined by the circuit court, at a term thereof, held in that county.

**No grand jury for Fond du Lac county.**

SECTION 3. There shall be no grand jury summoned or empaneled for the January term of the circuit court for said county of Fond du Lac, unless ordered by the judge of said fourth judicial circuit; when so ordered, a grand jury shall be summoned and empaneled as provided by law in other cases.

**For Sheboygan county.**

SECTION 4. There shall be no grand jury summoned or empaneled for the February term of the circuit court for said county of Sheboygan, unless ordered by the judge of said fourth judicial circuit; when so

ordered, a grand jury shall be summoned and empaneled as provided by law in other cases.

SECTION 5. There shall be no grand or petit jury summoned or empaneled for the July term of the circuit court for the said county of Kewaunee, unless ordered by the judge of the said fourth judicial circuit, and notice given by said judge to the clerk of the circuit court of said county of Kewaunee at least twenty days before the commencement of said July term of court; when so ordered, a grand and petit jury shall be summoned and empaneled as provided by law in other cases.

**No petit jury for Kewaunee county.**

SECTION 6. There shall be one special term of the circuit court in Fond du Lac county in each year, to be held as follows: on the first Monday of July, at which term any business arising within the fourth judicial circuit, which does not require the intervention of a jury, may be heard and disposed of. No grand or petit jury shall be drawn or summoned for said special term, and no notice of the holding of the same shall be required; and at such special term the issues of law, and motions and all other business that may be transacted thereat, pending in any and every county in said circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

**Special term for Fond du Lac county.**

SECTION 7. For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the original files and papers in such action, cause

**Clerk to transmit papers.**

or matter. Such papers or files shall be by such clerk enclosed in an envelop sealed by him, directed by the clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers or files or orders, all necessary postage therefor shall be paid by the party applying therefor; *and provided, further*, that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid.

How writs, etc., returnable.

SECTION 8. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into, in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively in the said several counties respectively.

Not to affect March term for Sheboygan county.

SECTION 9. Nothing in this act contained shall affect the existing law authorizing the holding of the term of the circuit court in Sheboygan county on the first Monday of March, 1871, but the said term shall be held as now provided by law.

Repealed.

SECTION 10. Chapter one hundred and seven of the general laws of 1869, and all acts or parts of acts conflicting with or contravening any of the provisions of this act, are hereby repealed, so far as they conflict with or contravene the same.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

## CHAPTER 128.

[*Published March* 25, 1871.]

**AN ACT to amend section four of chapter 175 of the general laws of 1869, entitled "an act to amend sections 6, 15 and 29 of chapter 130 of the general laws of 1868, entitled 'an act to provide for the assessment of property for taxation, and the levy of taxes thereon.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter 175 of the general laws of 1869, entitled "an act to amend sections 6, 15 and 29 of chapter 130 of the general laws of 1868, entitled 'an act to provide for the assessment of property for taxation, and the levy of taxes thereon,'" is hereby amended so as to read as follows: "Section 4. There shall be annually elected in each town and ward of any city or incorporated village, when such ward contains an assessment district, at the annual town or city election, one assessor, who shall hold his office for the term of one year, excepting in cities where a different number of assessors and a different manner of electing or appointing the same is or may be provided by the charter, or the laws amendatory thereof: *provided, however*, that in any town desiring a larger number of assessors the town board of supervisors in said town, at their last meeting previous to the annual town meeting, may determine the number to be elected, not exceeding three, and it shall be the duty of the town clerks to state in their election notices the number of assessors to be elected. When there is more than one assessor in any town, incorporated village or city, they shall, in the discharge of their official duties, act together as an assessment board; and when there is more than one assessor, the concurrence of at least two members of such board shall be necessary to determine any matter upon which such board is required to act.

**Amended.**

**Annual election of assessors.**

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

## CHAPTER 129.

[*Published March 27, 1871.*]

**AN ACT to provide compensation for opening the present session and for indexing and completing the transcribing of the journal of the senate and assembly.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Appropriation to O. R. Smith.**

SECTION 1. There is hereby appropriated to O. R. Smith, chief clerk of the senate, out of any money in the state treasury, not otherwise appropriated, for indexing the senate journal of the present session, the sum of two hundred dollars, and for completing the transcribing of the senate journal the sum of two hundred and fifty dollars.

**To E. W. Young.**

SECTION 2. There is hereby appropriated to E. W. Young, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, for services prior to and at the organization of the present assembly, the sum of fifty dollars; for indexing the assembly journal of the present session the sum of two hundred and fifty dollars, and for completing the transcribing of the assembly journal of the present session the sum of two hundred and seventy-five dollars.

**Secretary to certify.**

SECTION 3. No money hereby appropriated shall be drawn from the treasury until the secretary of state shall certify that the duties herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

# CHAPTER 130.

[*Published April* 1, 1871.]

**AN ACT in relation to the collection of taxes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Publication of delinquent lands to be let to lowest bidder.**

SECTION 1. In all cases in which the list of lands to be advertised for sale for the non-payment of taxes, by the county treasurer of any county in this state, when the number of discriptions shall exceed four thousand, and in all cases where the list of lands to be advertised by the clerk of the board of supervisors, for redemption, when the number of descriptions to be published shall exceed twenty-five hundred, it shall be the duty of such treasurer, and such clerk of the board of supervisors of the several counties in which the several lists aforesaid shall exceed the number aforesaid, to let the publication of such lists to the lowest bidder, upon a notice either written or printed to be delivered to and left with the publisher or publishers of each newspaper printed in the county where the lands so to be advertised shall be, at least ten days prior to the time at which such contract shall be let: *provided*, that no such publication shall be made in any newspaper, nor shall any contract be let to any publisher of any newspaper, the publication of which has not been regularly and continuously made in the county in which such lands lie, at least once in each week for six months prior to the time at which such publication shall be by law required to be made; *and provided, further*, that the price to be paid for the publication of such lists shall in no case exceed the amount now, or which shall be hereafter prescribed by law as the maximum price allowed for publishing such lists; *and provided, further*, that this act shall not be held to apply in any manner to any county in this state, wherein the number of descriptions in such lists shall be less than those specified in this act.

**Penalty for neglect of duty.**

SECTION 2. Any treasurer or clerk of the board of supervisors of any county in this state, who shall wilfully refuse or neglect to perform any duty en-

joined by this act, shall forfeit and pay the full amount of the penalty of the bond of the officer so offending, which sum may be collected in a civil action, which may be prosecuted by any citizen of the proper county, one-half of which penalty when so collected shall be paid to the person prosecuting such suit, and the residue shall be paid into the treasury of the proper county.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall be in force from and after the publication thereof.

Approved March 23, 1871.

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## CHAPTER 131.

[*Published April* 1, 1871.]

AN ACT changing the official designation of clerk of the board of supervisors to county clerk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Shall be designated county clerk.**

SECTION 1. The official designation of the officer heretofore known as clerk of the board of supervisors, shall hereafter be known as county clerk, by which designation he shall be elected and hereafter be known in law: *provided, however*, that if any such officer shall sign his name as "clerk of the board of supervisors," such signature shall be sufficient, and shall not invalidate or render void the instrument signed in that manner. Such county clerk shall also be the clerk of the board of supervisors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871

## CHAPTER 132.

[*Published April* 1, 1871.]

AN ACT to confer on county courts having civil jurisdiction, certain powers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the provisions of chapter two hundred of the general laws of A. D. 1864, entitled "an act authorizing garnishee actions in the circuit court," and of chapter fifty-three of the general laws of A. D. 1869, entitled "an act concerning proceedings by garnishment," or of any act or acts amendatory thereof, shall apply to like actions or proceedings in any county court or court of record in this state having civil jurisdiction. Powers conferred.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 133.

[*Published March* 28, 1871.]

AN ACT to change the time for holding the terms of the circuit court in the 7th judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The terms of the circuit court in and for the county of Portage, in the seventh judicial circuit, shall hereafter be held on the fourth Monday in January and the second Monday in July. In the county of Waupaca, on the fourth Monday in May and second Monday in December, and in Juneau county, on the first Monday in May and second Monday in October. Terms fixed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 134.

[*Published March* 28, 1871.]

AN ACT in relation to the duties of boards of registry in towns and villages.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall list all persons known to be electors.

SECTION 1. It shall be the duty of the board of registry of any town or village in this state, in making a list of electors as now provided for by the laws of this state, to place upon said list the names of all persons who are well known to them to be electors in their respective election districts.

SECTION 2. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

SECTION 3. This act shall be in force and effect from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 135.

[*Published April* 1, 1871.]

AN ACT to define and punish the offense of embezzlement.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Embezzlement defined.

SECTION 1. If any agent, treasurer, paymaster, conductor, messenger, employe or other person to whose possession or custody any of the moneys of any rail-

road company, express company, insurance company or telegraph company, doing business in this state, may come, shall convert the same to his own use, he shall be deemed guilty of embezzlement, and shall be punished in the same manner, and to the same extent as if he had stolen the amount so embezzled, and a neglect or refusal to pay over such moneys on demand shall be deemed *prima facie* evidence of his having embezzled the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1871.

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## CHAPTER 136.

[*Published March* 31, 1871.]

AN ACT to organize a state board of charities and reform.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**State board created.**

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations existing between the state and its dependent and criminal classes may become better understood, there is hereby created a state board of charities and reform.

**Number and terms of office.**

SECTION 2. The said board shall consist of five members, who shall be appointed by the governor and shall hold their offices for the term of five years and until their successors are appointed and qualified, except that at the first appointment, the term of one member shall be fixed for one year, of another for two years, of another for three years, of another for four years and of the other for five years. When any vacancy shall occur in the board by resignation, death or any other cause, the governor shall appoint a new member to serve for the residue of the unexpired term.

Meetings of the board.

SECTION 3. The board shall meet in the office of the secretary of state within sixty days after their appointment, to organize and to transact such other business as may be necessary to carry into effect the provisions of this act. They shall afterwards meet in October on or before the 15th day, and in January on or before the 10th day, in each year; and they may hold such other meetings as they may decide upon.

Secretary—his duties.

SECTION 4. The board shall appoint a qualified elector as secretary, whose duty it shall be to keep the records and books of the board, to prepare such papers, to make such visits and to engage in such researches and investigations as may be required of him by the board. He shall hold his office for three years, unless sooner discharged by the board.

Duties of the board.

SECTION 5. It shall be the duty of the board to investigate and supervise the whole system of the charitable and correctional institutions supported by the state or receiving aid from the state treasury, by personal visits to such, making themselves familiar with all matters necessary to be understood in judging of their usefulness and of the honesty and economy of their management; and it shall also be their duty to recommend such changes and additional provisions as they may deem necessary for their greater economy and efficiency.

Further duties.

SECTION 6. It shall be the further duty of the board to commence and to conduct a course of investigation into the condition of poor houses in the state, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at what cost, and under what circumstances, as to health, comfort and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands; also how many idiotic persons are therein supported; also how many poor children the said poor houses contain, and what provision is made for their suitable care and education. They shall also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise at the public expense, outside of poor houses, the cost at which such support or relief is furnished, and any other important facts therewith connected. They shall also inquire to what extent the provisions of the law in regard to

binding out poor children are complied with; and in general they shall seek to collect such facts as may throw light upon the adequacy and efficiency of existing provisions for the support and relief of the poor, and any causes operating to increase or diminish the amount of pauperism in the state, or to place the burden of relieving it where it does not properly belong.

Further duties.

SECTION 7. It shall be the further duty of the board to commence and to conduct a course of investigation in regard to jails, city prisons, houses of correction and other places in the state in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining by visit or otherwise, their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders and from persons suspected of crime or detained as witnesses, also whether any useful employment is furnished for prisoners, whether the insane are treated with due regard for humanity, and what efforts are put forth for the reformation of criminals; and in general, they shall endeavor to ascertain for the information of the legislature, any important facts or considerations bearing upon the best treatment of criminals and the diminution of crime.

Powers of the board.

SECTION 8. The board shall have full power at all times to look into and examine the condition of the institutions and establishments referred to in this act, to inquire into and examine their methods of treatment, instruction, government and management of their inmates, the official conduct of trustees, managers, directors, superintendents and other officers and employes of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management, and for these purposes they shall have free access to all parts of the grounds and buildings, and to all books and papers of said institution and establishment; and all persons now or hereafter connected with the same are hereby directed and required to give, either verbally or in writing, as the board may direct, such information and to afford such facilities for inspection as the board may require.

Report—when to be made and what to contain.

SECTION 9. On or before the first day of December in each year, the board shall present to the governor a report of their proceedings and of their expenses under this act. Said report shall contain a concise

statement of the condition of each of the charitable and correctional institutions supported by the state, or receiving aid from the state treasury, together with their opinion of the appropriations proper to be made for each for the following year. It shall also embody the results of their investigations during the year, in regard to the support of the poor and the treatment of criminals, and shall also contain any information, suggestions or recommendations which they may choose to present upon the matters by this act assigned to their supervision and examination. Three thousand (3,000) copies of this report shall be printed by the state printer, in the same manner as those of the state officers are printed, for the use of the board and of the legislature.

Not to be interested in contract.

SECTION 10. All members of the board and the secretary of the board are hereby prohibited from being interested, directly or indirectly, in any contract or arrangement for building, repairing, furnishing or providing any supplies of either of the institutions placed under their supervision.

Not to receive compensation, except expenses.

SECTION 11. The members of the board shall receive no compensation for their services rendered under this act. Upon filing with the secretary of state sworn statements of the amount of expenses actually and necessarily incurred by them in carrying out the other provisions of this act, they shall have the amount of said expenses refunded to them from the state treasury, and the secretary of state is hereby authorized and required to draw his warrant upon the state treasury for the amount of expenses so incurred and proven. The secretary of the board shall receive for all services rendered by him under this act, $1,200 per annum, payable upon the warrant of the board, quarterly, from the state treasury; his actual and necessary traveling expenses incurred in performing his duties shall be refunded in the same manner as those of the members of the board. And there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to comply with the provisions of this act.

Salary of secretary.

Number of trustees of state institutions fixed.

SECTION 12. Hereafter the board of trustees of the Soldiers' Orphans' Home, of the Institution for the Education of the Blind, and of the Institution for the Education of the Deaf and Dumb, and the board of man-

agers of the Industrial School for Boys, shall consist of five members each, who shall be appointed by the governor for terms of three years each, except that his first appointments under the authority of this section shall be so arranged that in each board two members shall be appointed for one year, two for two years and one for three years. So much of previous acts relating to the aforesaid institutions as authorizes their present trustees or managers to hold their offices, is hereby so far repealed that said trustees and managers shall go out of office so soon as their successors are appointed and qualified; and the persons appointed under authority of this section are hereby declared to be the legal successors to their respective offices, and entitled to receive from their predecessors all funds, books and papers belonging to the aforesaid institutions respectively.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 137.

[*Published March* 31, 1871.]

AN ACT to provide for the trial of offenses upon information, and to make the general laws of the state applicable thereto.

REFERENCES TO AMENDMENTS. References.

Sections 7, 8, 9, 10, 11, of chapter 118, revised statutes.

All of chapter 177, revised statutes.

Sections 1, 2, 3, chapter 178, revised statutes.

Sections 1, 3, 7, 9, 10, 11, 13, chapter 179, revised statutes.

Section 6, chapter 180, revised statutes.

Section 2, chapter 181, revised statutes.

Sections 1, 3, 4, 5, 6, chapter 163, revised statutes.

Section 7, chapter 164, revised statutes.

Sections 5, 7, chapter 170, revised statutes.

Sections 2, 3, 5, 7, 10, 12, chapter 172, revised statutes.

Sections 15 and 21, chapter 176, revised statutes.

Sections 1, 2, chapter 222, general laws, 1862.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall have jurisdiction upon information.

SECTION 1. The several courts of this state shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon information for crimes, misdemeanors and offenses, to issue writs and process and do all other acts therein as they possess and may exercise in cases of like prosecution upon indictment.

Information to be filed.

SECTION 2. All informations shall be filed during term in the court having jurisdiction of the offenses specified therein, except as hereinafter provided, by the district attorney of the proper county as informant, and he shall subscribe his name thereto.

How offense stated.

SECTION 3. The offense charged in any information shall be stated in plain, concise language, without prolixity or unnecessary repetition. Different offenses and different degrees of the same offenses, may be joined in one information, in all cases where the same might be joined by different counts in one indictment; and in all cases a defendant or defendants shall have the same rights as to all proceedings therein, as he or they would have if prosecuted for the same offense upon indictment.

All provisions of law apply to information.

SECTION 4. All provisions of law applying to prosecutions upon indictments, to writs and process therein, and the issuing and service thereof, to motions, pleadings, trials and punishments, or the passing or execution of any sentence, and to all other proceedings in cases of indictment, whether in the court of original or appellate jurisdiction, shall, to the same extent and in the same manner as near as may be, apply to informations and all prosecutions and proceedings thereon.

May be committed or held bail.

SECTION 5. Any person who may, according to law, be committed to jail, or become recognized or held to bail, with sureties for his appearance in court to answer to any indictment, may, in like manner, be so committed to jail or become recognized and held to

bail for his appearance to answer to any information or indictment, as the case may be.

Duty of district attorney.

SECTION 6. It shall be the duty of the district attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offense whereon the offender shall be committed to jail, or become recognized or held to bail; and if the district attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court a statement in writing, containing his reasons, in fact and in law, for not filing an information in such case; such statement shall be filed at and during the term of the court at which the offender shall be held for appearance: *provided*, that in such case the court may examine such statement, together with the evidence filed in the case; and if, upon such examination, the court shall not be satisfied with such statement, the district attorney shall be directed by the court to file the proper information and bring the case to trial.

Examination must precede information.

SECTION 7. No information shall be filed against any person for any offense until such person shall have had a preliminary examination, as provided by law, before a justice of the peace or other examining magistrate or officer, unless such person shall waive his right to such examination: *provided*, that informations may be filed without such examination against fugitives from justice, within the meaning of the constitution and laws of the United States.

Court to inquire if information was filed in good faith.

SECTION 8. Whenever any information shall be filed by any district attorney, under the provisions of this act, without a preliminary examination, and the defendant in such information shall be acquitted or discharged without trial thereof, it shall be the duty of the court in which the defendant shall be so acquitted or otherwise discharged, to determine whether such information was filed upon probable cause and in good faith, and when found to be so filed, to file a duplicate of such determination that such information was filed for probable cause and in good faith. And when such court shall not file such duplicate, the defendant in such information may maintain an action against such district attorney for malicious prosecution.

Second arrest and examination may be had.

SECTION 9. In case any preliminary examination has been had, as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissable evidence sufficient, in his judgment, to convict the person discharged, he may notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon a second arrest and examination shall be had.

OF THE FORM OF INFORMATIONS.

Form of information.

SECTION 10. The information may be in the following form:

STATE OF WISCONSIN, —— county.

In ——— Court.

The State of Wisconsin,
against
(Name of Accused.)

I, —— ———, district attorney for said county, hereby inform the court, that, on the —— day of ——, in the year ——, at said county, A. B. (name or alias of accused) did (state the offense), against the peace and dignity of the state of Wisconsin.

Dated, ———, ——.

——— ———,
*District Attorney.*

Sufficiency of information.

SECTION 11. The information shall be sufficient if it can be understood therefrom—

First. That it is presented by the person authorized by law to prosecute the offense.

Second. That the defendant is named therein, or described as a person whose name is unknown to the informant.

Third. That the offense was committed within the jurisdiction of the court, or is triable therein.

Fourth. That the offense charged is set forth with such degree of certainty that the court may pronounce judgment upon a conviction according to the right of the case.

OF THE STATEMENT OF OFFENSES.

SECTION 12. In indictments or information for murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment or information for murder, to charge that the accused did wilfully, feloniously, and of his malice aforethought, kill and murder the deceased; and in any indictment or information for manslaughter, it shall be sufficient to charge that the accused did feloniously kill and slay the deceased. Of statement of offenses.

SECTION 13. In indictments or informations for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offense charged, and in what court or before whom, the oath or affirmation was taken, averring such court, person or body to have competent authority to administer the same, together with the proper averments to falsify the matter wherein the perjury is assigned, without setting forth the indictment, information, complaint, affidavit, declaration or part of any records or proceedings, other than as aforesaid, and without setting forth the commission or authority of the court, person or body before whom the perjury was committed. In indictments or informations for subornation of perjury, or for endeavoring to incite or procure any person to commit the crime of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the indictment, information, complaint, affidavit, declaration or part of any record or proceedings, and without setting forth the commission or authority of the court, person or body before whom the perjury was committed, agreed, promised or incited to be committed. Of informations for perjury.

SECTION 14. In any indictment or information for falsely making, uttering, forging, printing, photographing, disposing of or putting off any instrument, it shall be sufficient to set forth the purport thereof. For forgery, etc.

SECTION 15. In any indictment or information for engraving, making or mending, or beginning so to do, any instrument, matter or thing, or for providing, using or having the unlawful custody or possession of any instrument or other material, matter or thing, it shall be sufficient to describe such instrument, material, mat- For counterfeiting.

ter or thing by any name or designation by which the same may be usually known.

How instrument may be described.

SECTION 16. In all other cases, whenever it shall be necessary to make any averment in any indictment or information, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof.

Offenses in relation to election—what shall be alleged

SECTION 17. When an offense shall be committed in relation to any election, an indictment or information for such offense shall be deemed sufficient if it allege that such election was authorized by law, without stating the names of the inspectors or officers holding such elections, or the offices to be filled thereat, or the names of the persons voted for.

Averments as to money, bills, notes, etc.

SECTION 18. In every indictment or information in which it shall be necessary to make any averment as to any money, or bank bill, or note, United States treasury notes, postal or fractional currency or other bills, bonds or notes, issued by lawful authority and intended to pass and circulate as money, or any United States bonds, it shall be sufficient to describe such money or bills, notes, currency or bonds, simply as money, without specifying any particular coin, note, bill or bond, and such allegation shall be sustained by proof of any amount of coin, or of any such note, bill, currency or bond, although the particular species of coin of which such amount was composed, or the particular nature of such note, bill, currency or bond shall not be proven.

For larceny.

SECTION 19. An indictment or information for larceny may contain also a count for obtaining the same property by false tokens or pretenses, or a count for embezzlement thereof, and for receiving or concealing the same property, knowing it to have been stolen, and the jury may convict of either offense, and may find all or any of the persons indicted or informed against guilty of either of the offenses charged in the indictment or information.

Of offenses created by any statute.

SECTION 20. When the offense charged has been created by any statute, or the punishment of such offense has been declared by any statute, the indictment or information shall after verdict, be held sufficient to warrant the punishment prescribed by the stat-

ute, if it describe the offense in the words of the statute, or in words of substantially the same meaning; and words used in the statutes to define a public offense need not be strictly pursued in charging an offense under such statutes, but other words conveying the same meaning may be used.

SECTION 21. In pleading a judgment or other determination of, or proceedings before any court or officer, the facts conferring jurisdiction need not be stated; but it shall be sufficient to state that the judgment or determination was duly rendered or made, or the proceedings duly had before such court or officer, but the facts conferring jurisdiction must be established on the trial. **Facts conferring jurisdiction need not be stated.**

SECTION 22. In pleading a private statute or a right derived therefrom, it shall be sufficient to refer to the statute by its title and the date of its approval. **Of private statute.**

SECTION 23. In case of the loss or destruction of an information, the district attorney may file in court another information, and the prosecution shall proceed and trial be had without delay from that cause. In case of the loss or destruction of an indictment, the court, upon suggestion of the fact, may order another to be found, or an information to be filed, as it deems proper. **In case of loss of information or indictment.**

SECTION 24. When it appears, at any time before verdict or judgment, that a mistake has been made in charging the proper offense, the defendant shall not be discharged if there appears to be good cause to detain him in custody, but the court may recognize him to answer to the offense, and, if necessary, recognize the witnesses to appear and testify. **In case of wrong charge, defendant and witnesses may be recognized.**

SECTION 25. In an indictment or information for the larceny of any animal, or for any other public offense committed in reference to any animal, it shall be sufficient to describe the animal by such name as, in the common understanding, embraces it, without designating its sex. **Larceny of animals.**

SECTION 26. In an indictment or information for an offense committed in relation to property, it shall be sufficient to state the name of any one, or the names of several joint owners. **Offenses in relation to property.**

OF AMENDMENTS.

SECTION 27. Any court of record in which the trial of an indictment or information is had, may forthwith **Amendment of indictment or information.**

allow amendment in case of variance between the statement in the indictment or information, and the proof in the following cases: In the name or description of any person place or premises, or of any thing, writing or record, or the ownership of any property described in the indictment or information, and in all cases where the variance between the indictment or information and the proof are not material to the merits of the case.

Court may direct amendment.

SECTION 28. Upon allowing such amendment, the court may direct such amendment of other parts of the indictment as may thereby be rendered necessary, and may in its discretion proceed in or postpone the trial.

How plea of misnomer to be treated.

SECTION 29. Whenever the plea of misnomer is pleaded to an indictment or information, the court may forthwith cause the indictment or information to be amended in that respect, and call upon the parties to plead thereto as though no such plea had been pleaded.

Not to be quashed for error.

SECTION 30. No indictment, information, process, return or other proceeding in a criminal case in the courts or course of justice shall be abated, quashed or reversed for any error or mistake where the person and the case may be rightly understood by the court, and the court may, on motion, order an amendment curing such defect.

OF GRAND JURIES.

Of grand juries.

SECTION 31. Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any court within this state, as provided by law, unless the judge thereof shall so direct by writing under his hand, and filed with the clerk of said court. Such order shall specify the time at which such grand jury shall appear before the court, and the number of days notice or summons which shall be given them.

OF PLEAS OF GUILTY.

Of pleas of guilty.

SECTION 32. Whenever any person committed for trial and in actual confinement for an offense for which the highest penalty provided by law shall not exceed five years imprisonment, shall request of the district attorney and county judge of the county in which the offense was committed to be arraigned upon such charge before the county court, before the sitting of the court having jurisdiction to try the same, it shall be the duty

of the district attorney, upon the receipt of such request, to file an information against the prisoner upon such charge, within five days thereafter, in the office of the clerk of the court having trial jurisdiction and deliver a copy thereof to the prisoner. Such request shall be in writing, subscribed by the prisoner in the presence of the sheriff, under-sheriff or jailor, who shall sign the same as attesting witness, and shall forthwith be delivered to the clerk of the proper court. Immediately upon receiving and filing the same, the clerk shall make two certified copies thereof, one of which the sheriff shall forthwith serve upon the district attorney and the other upon the county judge.

**County judge to order arraignment.**

SECTION 33. The county judge upon receiving such request shall at once issue an order fixing a time for such arraignment, and stating the place where the same will be had, which time shall be not less than six days after the receipt by him of such request. The sheriff shall serve a copy of such order upon the district attorney, the prisoner's counsel if he have any, and if the prisoner is a minor, on the nearest relative of the prisoner, if any there be known to the sheriff residing in the county, at least three days before the time fixed for such arraignment.

**Proceedings for arraignment.**

SECTION 34. At the time fixed for such arraignment, the sheriff or jailor shall produce the prisoner before the county judge at the usual court room of the county court. It shall be the duty of the sheriff, district attorney and clerk of the court, having trial jurisdiction, to attend upon such arraignment. The clerk shall act as clerk of the county court in the proceeding, and shall exhibit the information and the evidence taken before the examining magistrate, if such examination has been had, to the county judge, who shall examine the same. If preliminary examination has been waived by the prisoner, the county judge shall inquire into the nature of the case, and may examine witnesses if necessary, to enable him to judge of the proper amount of punishment to be inflicted. The county judge shall cause due proof to be filed with the clerk, of the proper service of such request and his order as herein required. The prisoner shall then, in open court, be arraigned. The county judge or district attorney shall fully explain to him the exact nature of the

offense charged in the information, and the penalty provided therefor by law.

If prisoner plead not guilty, shall be remanded for trial; if guilty, county judge to pass sentence.

SECTION 35. If upon such explanation the prisoner refuses to plead, or plead not guilty, such refusal or plea shall be entered on the minutes and the prisoner remanded to jail to await his trial. If he plead guilty to the information, the county judge shall receive the plea, shall pass sentence and render judgment thereon, in the same manner and with like effect as if such plea had been made in the court having trial jurisdiction, and shall inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require; but such punishment shall in no case be less nor greater than the penalty fixed by law for the offense charged. Such request, information, plea, sentence, judgment, and the minutes of all the proceedings shall be entered and recorded in a book to be kept for that purpose in the county court, in the same manner and substantially the same form as if the arraignment had been had in the court having trial jurisdiction, and the clerk shall also keep a similar record thereof, in the same form, in his office, in a book to be kept for that purpose.

Sentence to be certified.

SECTION 36. Such sentence shall be certified by the clerk from his record thereof, delivered and executed in the same manner as if passed by the court having trial jurisdiction.

Person committed for trial, may plead guilty.

SECTION 37. When any person shall be committed for trial, and in actual confinement, or in jail by virtue of any indictment or information pending against him, the court having trial jurisdiction may, at any law or special term thereof, upon the application of the prisoner in writing, stating that he desires to plead guilty to the charge made against him by the complaint, indictment or information, direct an information to be filed, if indictment or information has not been filed, and upon the filing thereof and of such application may receive and record a plea of guilty, and award sentence thereon.

Amendments to statutes.

AMENDMENTS TO STATUTES.

Sec. 7, chap. 118 amended.

SECTION 38. Section seven of chapter one hundred and eighteen of the revised statutes is hereby amended so as to read as follows: "Section 7. On receiving such lists, the clerk of the circuit court shall write the

names of the persons contained in the petit jury list on separate pieces of paper, each in the same manner as near as may be, so that the name written thereon shall not be visible, and shall deposit such pieces of paper in a box, from which they shall be drawn as hereinafter provided. And when ordered by the judge, as provided by law, to draw a grand jury, he shall in like manner write the names of the persons contained on the grand jury list on separate pieces, and deposit such pieces in a box, to be drawn as hereinafter provided."

Sec. 8 amended.

SECTION 39. Section eight of said chapter one hundred and eighteen is hereby amended so as to read as follows: "Section 8. At least fifteen days before the sitting of any court, the clerk of the court, in the presence of the sheriff or under sheriff and a justice of the peace, shall proceed to draw the names of thirty-six persons from the box containing the names of petit jurors, to serve as petit jurors at such court. And when ordered by the court to draw a grand jury, he shall in like manner and before like witnesses, proceed to draw the names of seventeen persons from the box containing the names of the grand jurors, to serve as grand jurors of said court."

Sec. 9 amended.

SECTION 40. Section nine of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 9. The clerk of the circuit court shall, twelve days at least before the first day of the court, issue and deliver to the sheriff or under sheriff of said county a venire for the petit jury, under the seal of the court, commanding him to summon the persons so drawn as jurors to appear before the said court, at or before the hour of eleven o'clock A. M., on the first day of the term thereof, to serve as petit jurors. And when ordered to draw a grand jury, as provided by law, he shall in like manner issue and deliver a venire, commanding the sheriff or under sheriff to summon the persons so drawn as grand jurors to appear before the said court at the time specified in the order of the judge."

Sec. 10 amended.

SECTION 41. Section ten of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 10. At least twelve days' notice of such drawing of the petit jury shall be given by such clerk, by publishing the same in a newspaper of the county, if there be any, and if not by affixing

such notice on the outer door of the house where the court for which such jury is drawn is about to be held."

Sec. 11 amended.

SECTION 42. Section eleven of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 11. The sheriff or under sheriff shall summon the persons named in such venires to attend such court as grand or petit jurors, as the case may be, by giving personal notice to each person, or by leaving a written notice at his place of residence, with some person of proper age. He shall return such venires to the court at the opening thereof, specifying those who were summoned, and the manner in which such person was notified. Petit jurors shall be summoned at least four days before the sitting of the court; grand jurors shall have such notice as the judge in his order calling such jury shall require to be given."

Chapter 177 amended.

SECTION 43. Chapter one hundred and seventy-seven of the revised statutes is hereby so amended as to read as follows:

"CHAPTER 177.

"OF INDICTMENTS, AND PROCEEDINGS BEFORE TRIAL.

Discharge of prisoner.

"Section 1. Any person held in prison on any charge of having committed a crime shall be discharged, if he be not indicted or an information filed against him before the end of the second term of the court at which he is held to answer, unless it shall appear to the satisfaction of the court that the witnesses on the part of the state have been enticed or kept away, or are detained and prevented from attending the court by sickness or some inevitable accident.

Limitation of time for finding indictment.

"Section 2. An indictment or information for crime punishable by imprisonment for life, may be found or filed at any period. All indictments or informations for other crimes shall be found and filed within six years after the commission of the offense, where the offenders shall be known; but any period during which the party charged was not actually and publicly a resident within this state, or in which the party committing the offense was unknown as an offender to the sheriff or prosecuting attorney of the county where the offense was committed, shall not be reckoned as part of the six years.

"Section 3. If the grand jury shall find and return to the court an indictment, or the proper officer shall file an information against any person who is not already in custody, process shall forthwith be issued to arrest the person charged with the offense.

If person accused is not in custody, process shall be issued.

"Section 4. As soon as may be after the finding of an indictment or the filing of an information for a crime punishable by imprisonment for life, the party charged shall be served with a copy thereof, by the sheriff or his deputy, at least twenty-four hours before trial.

Copy of indictment to be served.

"Section 5. All persons indicted or against whom an information is filed shall be tried before the circuit court, unless they request to be arraigned in the county court, and plead guilty therein as hereinbefore provided, and any prisoner indicted or against whom an information is filed for a crime punishable by imprisonment in the state prison for life, shall, on demand upon the clerk, by himself or his counsel, have a list of the jurors returned, delivered to him at least twenty-four hours before trial, and shall also have process to summon such witnesses as are necessary to his defense, at the expense of the state.

To be tried before circuit court.

"Section 6. Every person indicted or against whom an information is filed for an offense for which he may be imprisoned in the state prison, shall, if he be under recognizance or in custody to answer for such offense, be entitled to a copy of the indictment or information, and of all indorsements thereon, without paying any fees therefor.

Accused entitled to copy of indictment.

"Section 7. The district attorney and all other prosecuting officers may in all cases issue subpœnas for witnesses to appear and testify in behalf of the state, and the subpœnas, under the hand of such officer, shall have the same form, and be obeyed in the same manner, and under the same penalties in case of default, as if issued by the clerk.

District attorney may issue subpœnas.

"Section 8. It shall not be necessary to pay or tender any fees to any witness who is subpœnaed in any criminal prosecution, but every such witness shall be bound to attend, and be punishable for non-attendance, in the same manner as if the fees allowed by law had been paid to him.

Tender of witness' fees not necessary.

"Section 9. Whenever an indictment is found or information filed against any person for any misdemean-

Stay of proceedings, if injured party ac-

knowledge satisfaction.

or, for which the party injured may have a remedy by civil action, except where the offense was committed by or upon any sheriff or other officer of justice, or riotously, or with intent to commit a felony, if the party injured shall appear in court where such indictment or information is pending and acknowledge satisfaction for the injury sustained, the court may, on payment of the costs accrued, order all further proceedings to be stayed, and discharge the defendant from the indictment or information, which shall forever bar all remedy for such injury by civil action.

Mode of trial not to be questioned.

"Section 10. When any person is arraigned upon an indictment or information, it shall not be necessary in any case, to ask him how he will be tried.

If accused refuse to plead, court may enter plea.

"Section 11. If on the arraignment of any person who is indicted, or against whom any information is filed, he shall refuse to plead or answer, or shall not confess the indictment or information to be true, the court shall order a plea of not guilty to be entered, and thereupon the proceedings shall be the same as if he had pleaded not guilty to the indictment or information, as the case may be.

Person held in prison may demand trial at next term.

"Section 12. Every person held in prison upon an indictment or information, shall, if he require it, be tried as soon as the next term of the court after the expiration of six months from the time when he was imprisoned, or shall be bailed upon his own recognizance, unless it shall appear to the satisfaction of the court that the witnesses on behalf of the state have been enticed or kept away, or are detained and prevented from attending the court by sickness or some inevitable accident.

Plea in abatement may be refused.

"Section 13. When a plea in abatement, or other dilatory plea to an indictment or information shall be offered, the court may refuse to receive it until the truth thereof shall be proved by affidavit or other evidence.

Chap. 178, R. S., amended.

SECTION 44. Section one of chapter one hundred and seventy-eight of the revised statutes is hereby amended by adding after the word, "indictment," in the sixth line thereof, the words, "or information." Section two of said chapter is hereby amended by adding thereto after the word, "found," in the first line thereof, the words, "or information filed." Section three of said chapter is hereby amended by adding

thereto, after the word, "found," where it occurs in the third and fifth lines, the words, "or information filed."

SECTION 45. Section one of chapter two hundred and twenty-two of the general laws of 1862 is hereby amended by adding thereto, after the word, "indictment," where it occurs in the third, fifth, ninth and fourteenth lines thereof, the words, "or information." Section two of said chapter is hereby amended by adding thereto, after the word, "indictment," in the fourth line thereof, the words, "or information." Chap. 222, laws of 1862, amended.

SECTION 46. Section one of chapter one hundred and seventy-nine of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the first line thereof, the words, "or information." Section three of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words, "or against whom an information is filed." Section seven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first and second lines thereof, the words, "or against whom an information is filed." Section nine of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words "or informed against;" and by adding after the word, "indictment," in the third and seventh lines, the words, "or information." Section ten of said chapter is hereby amended by adding thereto, after the word, "indictment," in the first line, the words, "or information." Section eleven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words, "or informed against." Section thirteen of said chapter is hereby amended by adding thereto, after the word, "indictment," in the first line, the words, "or information." Chap. 179, R. S., amended.

SECTION 47. Section six of chapter one hundred and eighty of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the second line, the words, "or information." Chap. 180 amended.

SECTION 48. Section two of chapter one hundred and eighty-one of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the second line, the words, "or information." Chap. 181 amended.

Chap. 163 amended.

SECTION 49. Section one of chapter one hundred and sixty-three of the revised statutes is hereby amended so as to read as follows: "Section 1. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, or upon an information duly filed against him in the manner provided by law, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or militia, when in actual service, in time of war or public danger."

Ibid.

SECTION 50. Section three of said chapter one hundred and sixty-three is hereby amended by adding thereto after the word, "indicted," in the first line, the words, "or informed against." Section four of said chapter is hereby amended by adding after the word, "indictment," where it occurs, in the second and sixth lines thereof, the words, "or information." Section five of said chapter is hereby amended by adding after the word, "indicted," in the first line thereof, the word, "or informed against," and by adding after the word, "indictment," where it occurs in the third, fourth and fifth lines thereof, the words, "or information." Section six of said chapter is hereby amended by adding thereto after the word, "person," at the end of said section, the words, "or jurisdiction to award sentence upon a plea of guilty."

Chap. 164 amended.

SECTION 51. Section seven of chapter one hundand sixty-four of the revised statutes is hereby amended, by adding thereto, after the word, "indicted," where it occurs in the second line, the words, "or informed against."

Chap. 170 amended.

SECTION 52. Section five of chapter one hundred and seventy of the revised statutes is hereby amended by adding thereto, after the word, "found," in the tenth line, the words, "or information filed." Section seven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line, the words, "or informed against," and after the word "indictment," in the third line, the words, "or information."

Chap. 172 amended.

SECTION 53. Section two of chapter one hundred and seventy-two of the revised statutes is hereby amended by adding after the word, "indicted," in the third and fifth lines, the words, "or informed against." Section three of said chapter, is also amended by adding thereto after the word, "indicted," in the second

and fourth lines, the words, "or informed against." Section five of said chapter is hereby amended by adding thereto, after the word, "indicted," in the third line, the words, "or informed against." Section seven of said chapter is amended by adding thereto, after the word, indictment," in the third line, the words, "or information." Section ten of said chapter is hereby amended by adding thereto, after the word, "indictment," in the fifth, ninth and tenth lines the words, "or information." Section twelve of said chapter is amended by adding after the word, "indictment," in the fourth line the words, "or information."

Chap. 176 amended.

SECTION 54. Section fifteen of chapter one hundred and seventy-six of the revised statutes is hereby so amended as to read as follows: "Section 15. All the testimony of the witnesses examined shall be reduced to writing by the magistrate or under his direction, and shall be signed by the witnesses."

Ibid.

SECTION 55. Section twenty-six of said chapter one hundred and seventy-six is hereby amended so as to read as follows: "Section 26. All examinations, evidence and recognizances taken by any magistrate in pursuance of the provisions of this chapter, shall be certified and returned by him to the clerk of the court before which the party charged is bound to appear, within ten days after the close of such examination; and if such magistrate shall neglect or refuse to return the same, he may be compelled forthwith to do so by rule of the circuit or county court, and in case of disobedience may be proceeded against by attachment, as for contempt, and for such neglect shall also be liable to a penalty of twenty dollars, to be collected in an action against him as other fines are collected."

Not to affect jurisdiction of municipal court of Milwaukee.

SECTION 56. Nothing in this act contained shall be so construed or have the effect to direct [divest] or deprive the municipal court (which was established by the provisions of chapter 199 of the laws of Wisconsin, published in the volume of laws styled private and local laws of 1859 on pages 386 to 394 inclusive, entitled "an act to establish a municipal court in the city and county of Milwaukee," approved March 18, 1859,) of any of the jurisdiction, power or authority now by law vested in said municipal court; and all the provisions of this act are hereby declared to apply to said municipal court.

SECTION 57. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 58. This act shall take effect and be in force from and after the first day of July, A. D. 1871.

Approved March 23, 1871.

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## CHAPTER 138.

[*Published April* 1, 1871.]

AN ACT to amend section three of chapter 102 of the general laws of 1868, entitled "an act to encourage the planting and growth of trees, and for the protection thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Width of tree-belts prescribed.

SECTION 1. Section three (3) of chapter 102 of the general laws of 1868 is hereby amended so as to read as follows: Tree belts to be entitled to the benefits of this act, for each five acres of land, must be at least thirty feet wide; for each ten acres of land, at least sixty feet wide; and for forty square acres, at least one hundred feet wide, and must be on two sides of each square tract of land, and all tree belts owned by the same land owner must be planted to not exceed one-fourth of a mile apart, or on the west and south sides of every forty square acres of land; and the tree belts may be divided and planted or reserved on any other lines within each forty square acres, by the permission of the assessor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

## CHAPTER 139.

[*Published March* 29, 1871.]

**AN ACT to amend section two of chapter 104 of the general laws of 1870, entitled an act to aid the West Wisconsin Railway Company.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter 104 of the general laws of 1870 is hereby amended by striking out the word, "county," at the end of the last line, and adding thereto the words, "and Trempealeau counties." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

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## CHAPTER 140.

[*Published March* 30, 1871.]

**AN ACT relating to the settlement of the estates of deceased persons, and amendatory of section 9, chapter 98 of the revised statutes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nine of chapter 98 of the revised statutes is hereby amended so as to read as follows: If an executor shall neglect, after due notice given by the judge of the county court, to render his account and settle the estate according to law, or to perform any judgment of the court, or shall abscond or become insane or otherwise incapable or unsuitable to discharge the trust, the county court may remove such executor. **Amended.** **Executors may be removed for cause.**

SECTION 2. Said chapter 98 is further amended by adding thereto an additional section to read as follows: **Further amended.**

Service of notice by publication.

SECTION 15. When an executor or administrator shall reside without this state, and it shall appear to the county court having jurisdiction that it is necessary to serve upon such executor or administrator any order, notice or process from such county court, the said county court may, upon the proper affidavits showing such necessity, make an order that such service be made by publication in the same manner and with the same effect as is provided for the service of a summons upon a non-resident defendant, by section 5 of chapter 124 of the revised statutes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 141.

[*Published March* 28, 1871.]

AN ACT to provide for the payment of the chaplains of the present legislature.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

ppropriated.

SECTION 1. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, a sufficient sum to pay each of the clergymen officiating as chaplain at the present session of the legislature, twenty-five dollars.

Chief clerk shall certify.

SECTION 2. The chief clerk of the senate and assembly shall deliver to each of said clergymen a certificate of such service, and such certificate shall be sufficient authority for the payment of such amount by the state treasurer.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

## CHAPTER 142.

[*Published April* 1, 1871.]

**AN ACT to amend sections six, eight and nine of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections six (6), eight (8) and nine (9) of chapter one hundred and twenty (120) of the revised statutes are hereby amended so as to read as follows: Section 6. A justice of the peace shall also have jurisdiction over and cognizance of the following actions: 1. Actions on a note, bill, bond or other instrument in writing given for the payment of money or other valuable article, for any amount exceeding two hundred dollars, which has been reduced, by credits or payments endorsed thereon, to an amount not exceeding two hundred dollars. 2. Actions on instalments as they shall become due, when payments are to be made in instalments on any such note, bill, bond or other instrument in writing for the payment of money or other valuable article, when the instalment or instalments due shall not exceed two hundred dollars, or when the same has been reduced, by credits or payments indorsed as aforesaid, to an amount not exceeding two hundred dollars. Section 8. Justices shall have jurisdiction in all actions on any surety bonds given in favor of any town, though the penalty exceed two hundred dollars, when the damage claimed shall not exceed two hundred dollars. Section 9. A justice shall have jurisdiction of actions founded on any account when the amount of the plaintiff's account proved to the satisfaction of the justice shall not exceed five hundred dollars, and when the same shall be reduced to an amount not exceeding two hundred dollars by credits given or by the set-off or demand of the opposite party.

**Amended.**

**Jurisdiction of justices of the peace.**

SECTION 2. No attorney's fees shall be allowed in any action before a justice of the peace except in civil actions when an attorney of a court of record has appeared therein for the party obtaining judgment,

**Allowance of attorneys' fees.**

and then only in cases when the defendant or defendants have appeared and put in an answer or demurrer, the party against whom judgments shall be rendered shall have contested some question which shall be declared against him or them, and neither this act, or chapter thirty (30) of the general laws of 1870, shall have the effect to deprive parties from recovering attorney's fees when they were before entitled to the same in courts of record.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 143.

[*Published March* 30, 1871.]

AN ACT to provide for the collection of judgments in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Tax for payment of judgments to be ordered by supervisors.

SECTION 1. No judgment, award or finding, of or for any sum of money against any town, by any court or judge, shall be entered upon the tax roll thereof by the clerk thereof, unless upon the order of the supervisors of such town.

Limitation of time to make order.

SECTION 2. The supervisors of any town shall within sixty days after notice of the rendition of any judgment or award against the town, by any court, order the clerk thereof to put the same in the next tax roll of the town: *provided, however*, that in all cases of the rendition of any judgment, award or finding by any court previous to the passage and publication of this act, such town shall have sixty days from and after the time this act takes effect, to appeal therefrom or make such order.

Repealed.

SECTION 3. All acts or parts of acts contravening any of the provisions of this act are repealed, so far as they affect or contravene any of the provisions of this act, and no further.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 144.

[*Published March* 29, 1871.]

**AN ACT to repeal chapter 86 of the general laws of 1870, entitled "an act to protect the people of Wisconsin from empiricism and imposition in the practice of medicine, surgery and midwifery."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 86 of the general laws of 1870, entitled "an act to protect the people of Wisconsin from empiricism and imposition in the practice of medicine and surgery," is hereby repealed. **Repealed.**

Approved March 24, 1871.

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## CHAPTER 145.

[*Published March* 29, 1871.]

**AN ACT for the relief of the Adams County Agricultural and Mechanical Association.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby directed to audit to the Adams County Agricultural and Mechanical Association the sum of one hundred dollars for the year 1868, the same as if their returns had been duly and properly made. **May audit sum.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

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## CHAPTER 146.

[*Published April* 1, 1871.]

AN ACT to amend section 19 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 19 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace," is hereby amended by striking out the word, "adjoining," where it occurs in said section, and inserting after the word, "town," where it last occurs in said section, the words, "in the county," so that said section shall read as follows: "When any action in a justices' court shall be commenced by or against any town or town officer in his official capacity, the same shall be commenced before a justice of the peace elected in any town in the county."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

# CHAPTER 147.

[*Published April* 1, 1871.]

AN ACT to secure a proper guardianship for children in the Soldiers' Orphans' Home, and for other purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All children remaining in the Soldiers' Orphans' Home after the first day of September of this year shall become the wards of the state. **Shall become wards of the state.**

SECTION 2. The state board of charities and reform shall by virtue of their office as a state board, be the legal guardians of all children who may be inmates of the Soldiers' Orphans' Home after the first day of September of this year, with authority to bind out any of such children for such time and purpose as they shall deem proper, and for the best interest of the child. **State board of charities to be guardians.**

SECTION 3. The secretary of the said board is hereby constituted a state agent to act under authority of said board, and it shall be his duty to ascertain the condition and circumstances of all the children who may, on the first day of September, be an inmate of the Home, with a view, if deemed for the best interest of such children, of providing them with suitable places, where they may be taught some trade or occupation, the better to fit them for the duties of life. **Secretary of board to act as state agent.**

SECTION 4. It shall be the duty of the state agent to exercise a close supervision over the interest of any and every child during their minority, who may by virtue of this act, be bound out, to the end that the terms of the compact made be faithfully carried out, and the interest of the child properly cared for; and he is hereby authorized to institute inquiries, visit the child, or in any way he may deem proper, ascertain that this is done. **His duties.**

SECTION 5. If it shall be found that any child bound out, by virtue of this act, is being neglected or is unjustly treated, the state agent shall, by authority of the board, remove such child and institute or cause **Remedy for mistreatment of child bound out.**

to be instituted, a suit for damages for any ill treatment it may have received at the hands of the person or persons in whose charge it has been.

Superintend'nt to notify parents and guardians of the provisions of this act.

SECTION 6. The superintendent of the Soldiers' Orphans' Home shall before the first day of May of this year, notify the parents and guardians of the children who may be inmates of the home on that day, of the provisions of this act, if the residence of the parents and guardian is known to him, and if such residence be not known to him, then he shall cause this act to be published in the Madison State Journal once a week for four consecutive weeks.

Salary of state agent.

SECTION 7. The salary of the state agent under the provisions of this act shall be determined by the state board of charities and reform, but in no case shall it exceed the sum of three hundred dollars, but his necessary traveling expenses shall be paid out of the state treasury.

Appropriated.

SECTION 8. There is hereby appropriated out of any money in the state treasury, in the general fund not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

SECTION 9. All acts or part of acts interfering or conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 148.

[*Published April* 1, 1871.]

AN ACT to provide for the protection of Superior harbor at Superior City, and to prevent the diversion of the waters of the St. Louis river from their natural outlet.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Governor to make inquiries.

SECTION 1. The governor is hereby authorized and directed to inquire into and ascertain whether the com-

pletion of the canal now being constructed through Minnesota point in the state of Minnesota will cause such a diversion of the current of the St. Louis river, as will seriously injure the harbor of Superior City or the entrance thereto from the lake. And if in his opinion the completion of the said canal will cause such diversion and such injury to the said harbor or the entrance thereto, he is directed to use all necessary and proper means to prevent the completion of said work. And for that purpose may cause suits to be instituted and employ such counsel to assist in the prosecution of the same as may to him seem proper and for the best interests of the state.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum of money sufficient to defray the expenses contemplated in the preceding section, not exceeding five thousand dollars, and the secretary of state is hereby authorized and required to audit and allow all accounts for such expenses, upon the certificate of the governor and attorney general to the correctness of the same. Appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

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## CHAPTER 149.

[*Published March* 30, 1871.]

**AN ACT to provide for the incorporation of the Wisconsin State Horticultural Society, and the printing and publishing of its transactions.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The Wisconsin State Horticultural Society is hereby declared a body politic and corporate, and by that name it shall be known in all courts and places whatsoever. Declared a body politic and corporate.

May hold and convey property.

SECTION 2. The objects of the society being to improve the condition of horticultural, rural adornment and landscape gardening, it shall be allowed for these purposes to take, hold and convey real and personal estate, the former not exceeding in value five thousand dollars.

Powers, privileges and liabilities.

SECTION 3. The corporation shall possess all the powers and privileges conferred, and be subject to all the liabilities imposed upon corporations, by chapter seventy-eight of the revised statutes. so far as the same may be applicable.

Transactions to be published.

SECTION 4. The state printer is hereby directed to print on good book paper, fold, stitch and bind in muslin, (uniform in style with the last volume published, of the transactions of the State Agricultural Society), two thousand copies of the transactions of the State Horticultural Society, embracing the years 1870 and 1871: *provided*, the number of printed pages of said volume shall not exceed two hundred, and to deliver the same to the superintendent of public property, to be by him distributed as follows, to wit:

How to be distributed.

Three copies to each member of the legislature, fifty copies to each county or town horticultural society, who shall report its organization with officers elect and number of members, with an abstract of its proceedings, for publication in said volume to the secretary of the State Horticultural Society, and fifteen copies to each county agricultural society, twenty-five copies to the State Agricultural Society, twenty-five copies to the State Historical Society, fifty copies to the State University, and all remaining copies to the State Horticultural Society.

Transactions to be published annually.

SECTION 5. Hereafter or until the legislature shall otherwise order, the transactions of the Wisconsin State Horticultural Society, together with abstracts of the reports of other horticultural associations of the state, so far as the same may be furnished, shall be annually printed, published and distributed in like manner and number as provided in section four of this act, on the order of the governor.

Repealed.

SECTION 6. So much of chapter 74, general laws of 1868, sections 2 and 3, as provides for the publication of the transactions of the State Horticultural Society in connection with the State Agricultural

Society, and any additional copies of the same, is hereby repealed.

SECTION 7. This act shall be in force from and after its passage.

Approved March 24, 1871.

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## CHAPTER 150.

[*Published March* 31, 1871.]

**AN ACT to appropriate to D. L. Quaw and Paul Schungel, each a sum of money therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to D. L. Quaw, out of any money in the state treasury not otherwise appropriated, the sum of eighteen dollars in full payment for his mileage and expenses in going to Milwaukee to subpœna witnesses to testify before the committee appointed by the assembly to investigate charges of corruption connected with bill No. 1, assembly, at the session of the legislature for the year 1871. **Appropriated to D. L. Quaw.**

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve dollars to Paul Schungel in full payment for his mileage and per diem and expenses in coming from Milwaukee to Madison to testify before the said committee. **To Paul Schungel.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

# CHAPTER 151.

[*Published March* 31, 1871.]

AN ACT to amend chapter seven of the revised statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Sec. 69 amended.

SECTION 1. Section 69 of chapter seven of the revised statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass," is hereby amended by inserting after the word, "county," in the second line thereof, the words, "or which may embrace portions of two counties," also by inserting after the word, "counties," in the fourth line thereof the words, "whereof a portion or the whole is," so that said section when amended shall read as follows: "Section 69. In each senate and assembly district, the limits of which shall be greater than those of a county, or which may embrace portions of two counties, there shall be a board of district canvassers, and the clerks of the several boards of supervisors in the counties whereof a portion or the whole is within the district, and the chairman of the county board of supervisors in the county where the meetings of the board are to be held shall constitute such board."

Sec. 27 amended.

SECTION 2. Section 71 of said chapter seven is hereby amended by inserting after the word, "inhabitants" in the sixth line thereof, the words, "or of the county containing the most populous portion of such assembly district," so that said section when amended shall read as follows: "Section 71. The board shall meet in each such assembly district, on the second Tuesday next after the day on which the county canvass is required to be made, and in each senate district on the third Tuesday next after the county canvass at the office of the clerk of the board of supervisors of the county, in such district having the greatest number of inhabitants, or of the county containing the most pop-

ulous portion of such assembly district, according to the last preceding census."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 152.

[*Published April* 1, 1871.]

AN ACT to amend chapter 37 of the general laws of 1868, entitled "an act to amend chapter 362 of the general laws of 1860, entitled an act relating to the Milwaukee county court."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 37 of the general laws of 1868, entitled "an act to amend chapter 362 of the general laws of 1860, entitled an act relating to the Milwaukee county court" is hereby amended so as to read as follows: Section 1. There is hereby conferred upon the county court of Milwaukee county, jurisdiction in all civil actions both as to matters of law and equity, equal to, commensurate and concurrent with the circuit court of Milwaukee county, and the said county court shall exercise the same powers and jurisdiction in all civil actions as now exercised by the said circuit court: *provided*, the value of the property, or the amount of money claimed and sought to be recovered by the plaintiff (or the balance claimed by the plaintiff after deducting all credits and set-offs) in any action in said county court, exclusive of costs, does not exceed the sum of five millions of dollars, and the said county court shall have jurisdiction of all actions hereafter prosecuted in said county court until it shall affirmatively appear in the progress of the action that the amount claimed by the plaintiff, or the balance found to be due the plaintiff shall exceed the said sum, in which case the action shall be dismissed.

Amended.

Jurisdiction conferred.

SECTION 2. Section two of chapter 37 of the general laws of 1868, entitled "an act to amend the general

Amended.

ton and Wellington, in the county of Monroe, shall constitute an assembly district.

Manitowoc county—

1. The towns of Centerville, Newton, Memee, Liberty, Schleswig, Eaton and Rockland, [in the county of Manitowoc], shall constitute an assembly district.

2. The towns of Manitowoc Rapids, Cato, Maple Grove, Franklin, Kossuth, Cooperstown and Gibson, [in the county of Manitowoc], shall constitute an assembly district.

3. The city of Manitowoc, the village of Two Rivers, towns of Manitowoc, Two Rivers, Mishicott and Two Creeks, [in the county of Manitowoc], shall constitute an assembly district.

Rock county—

1. The towns of Avon, Center, Magnolia, Plymouth, Spring Valley and Union, in the county of Rock, shall constitute an assembly district.

2. The towns of Fulton, Lima, Milton, Janesville and Porter, in the county of Rock, shall constitute an assembly district.

3. The towns of Bradford, Clinton, Harmony, Johnstown, La Prairie and Rock, in the county of Rock, shall constitute an assembly district.

4. The city of Beloit and the towns of Beloit, Newark and Turtle, in the county of Rock, shall constitute an assembly district.

5. The city of Janesville, in the county of Rock, shall constitute an assembly district.

Racine county—

1. The city of Racine, in the county of Racine, shall constitute an assembly district.

2. The towns of Burlington, Caledonia, Dover, Mount Pleasant, Norway, Raymond, Rochester, Waterford and Yorkville, in the county of Racine, shall constitute an assembly district.

Sauk county—

1. The towns of Bear Creek, Franklin, Honey Creek, Merrimac, Prairie du Sac, Sumpter, Spring Green, Troy, Washington and Westfield, in the county of Sauk, shall constitute an assembly district.

2. The towns of Baraboo, Dellona, Excelsior, Fairfield, Freedom, Greenfield, Ironton, La Valle, New

Buffalo, Reedsburg, Windfield and Woodland, in the county of Sauk, shall constitute an assembly district.

Washington county—

1. The towns of Erin, Germantown, Hartford, Jackson, Polk and Richfield, in the county of Washington, shall constitute an assembly district.

2. The towns of Addison, Barton, Farmington, Kewaskum, Trenton, Wayne and West Bend, in the county of Washington, shall constitute an assembly district.

Ozaukee county—

1. The towns of Belgium, Fredonia, Port Washington and Saukville, in the county of Ozaukee, shall constitute an assembly district.

2. The towns of Cedarburg, Grafton and Mequon, in the county of Ozaukee, shall constitute an assembly district.

Walworth county—

1. The towns of Darien, Delavan, Richmond, Sharon and Walworth, in the county of Walworth, shall constitute an assembly district.

2. The towns of Bloomfield, Elkhorn, Geneva, La Fayette, Lynn, Lyons and Spring Prairie, in the county of Walworth, shall constitute an assembly district.

3. The towns of La Grange, Sugar Creek, Troy, and East Troy and Whitewater, in the county of Walworth, shall constitute an assembly district.

Waukesha county—

1. The towns of Eagle, New Berlin, Genessee, Muskego, Mukwanago, Ottawa, Summit, Waukesha and Vernon, in the county of Waukesha, shall constitute an assembly district.

2. The towns of Merton, Brookfield, Delafield, Lisbon, Menomonee, Oconomowoc and Pewaukee, in the county of Waukesha, shall constitute an assembly district.

Winnebago county—

1. The first, second, fourth and fifth wards of the city of Oshkosh, and the towns Oshkosh and Vinland, in the county of Winnebago, shall constitute an assembly district.

2. The towns of Clayton, Neenah, Menasha, Winneconne and Winchester, and the villages of Menasha, Neenah and Winneconne, in the county of Winnebago, shall constitute an assembly district.

3. The towns of Algoma, Black Wolf, Omro, and the third ward of the city of Oshkosh, in the county of Winnebago, shall constitute an assembly district.

4. The towns of Nepeuskin, Nekimi, Poygan, Rushford, Utica and Wolf River, in the county of Winnebago, shall constitute an assembly district.

Sheboygan county—

1. The towns of Herman, Moselle, Wilson, Sheboygan, and the city of Sheboygan, in the county of Sheboygan, shall constitute an assembly district.

2. The towns of Greenbush, Lyndon, Mitchell, Plymouth, Rhine and Russell, in the county Sheboygan, shall constitute an assembly district.

3. The towns of Abbott, Holland, Lima, Scott, Sheboygan Falls, and the village of Sheboygan Falls, in the county of Sheboygan, shall constitute an assembly district.

Vernon county—

1. The towns of Bergen, Coon, Christiana, Franklin, Genoa, Hamburg, Harmony, Jefferson, Sterling and Wheatland, in the county of Vernon, shall constitute an assembly district.

2. The towns of Clinton, Forest, Greenwood, Hillsborough, Kickapoo, Liberty, Stark, Union, Viroqua, Webster and Whitestown, in the county of Vernon, shall constitute an assembly district.

Richland county—

1. The towns of Buena Vista, Henrietta, Ithaca, Willow, Orion, Richland, Rockbridge and Westford, in the county of Richland, shall constitute an assembly district.

2. The towns of Akan, Bloom, Eagle, Dayton, Forest, Marshall, Richwood and Sylvan, in the county of Richland, shall constitute an assembly district.

Waupaca, Shawano and Outagamie counties—

1. The city of Appleton and the towns of Buchanan, Center, Dale, Freedom, Grand Chute, Greenville and Kaukauna, in the county of Outagamie, shall constitute an assembly district.

2. The county of Shawano, and the towns of Bear Creek, Larrabee, Matteson, Lebanon, Mukwa and Royalton, in the county of Waupaca, and the towns of Black Creek, Bovina, Deer Creek, Ellington, Hortonia, Liberty, Maine, Maple Creek, Osborn and Seymour, in the county of Outagamie, shall constitute an assembly district.

3. The towns of Caledonia, Dayton, Dupont, Farmington, Fremont, Helvetia, Iola, Lind, Little Wolf, Scandinavia, St. Lawrence, Union, Waupaca and Weyauwega, in the county of Waupaca, shall constitute an assembly district.

Door and Kewaunee counties—

1. The county of Door, and towns of Ahnepee, Casco, Kewaunee, Lincoln, Pierce and Red River, in the county of Kewaunee, shall constitute an assembly district.

**Construction as to villages and cities.**

SECTION 3. So much of any incorporated village or other municipal corporation as lies within the original boundaries of any town mentioned in this act, shall be construed to be within such town for the purposes of this act, unless otherwise designated by this act.

**Election of senators.**

SECTION 4. At the general election in November, one thousand eight hundred and seventy-one, there shall be elected in the even numbered senate districts above described, a senator from each district, whose term of office shall expire in two years after the commencement of such term.

SECTION 5. This act shall be published immediately after its passage, and shall take effect from and after its publication.

Approved March 24, 1871.

## CHAPTER 157.

[*Published March* 29, 1871.]

AN ACT to amend chapter [156] of general laws of 1871, entitled "an act to apportion the state into senate and assembly districts."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. That the towns of Black Wolf, Omro, Algoma, in the county of Winnebago, and the third and sixth wards of the city of Oshkosh, shall constitute an assembly district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1871.

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## CHAPTER 158.

[*Published April* 1, 1871.]

AN ACT to amend section ten of chapter 77 of the general laws of 1866, entitled "an act for the regulation of trade in certain cases."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 10 of chapter 77 of the general laws of 1866, is hereby amended to read as follows: "Section 10. The fees for overhauling, inspecting, repacking and branding, shall be, for each barrel, sixty cents; for each half barrel, thirty cents, inclusive of cooperage, which fees shall be paid by the person employing such inspectors."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

# CHAPTER 159.

[*Published March* 30, 1871.]

**AN ACT to appropriate to the governor of the state of Wisconsin the sum of $2,550 for the purpose herein mentioned.**

WHEREAS, On or about the year 1850, Nicholas Hemman, Nicholas Reich, Michael Groff, Joseph Webster, Charles Peter and Jacob Lantgen, or their grantors, became the purchasers from the state of Wisconsin of the following lands, to wit: Lots one (1), two (2) and three (3), or the northwest fractional quarter (¼) and the north ½ of the southwest quarter (¼) fraction of section 18 in town 12 north, of range 23 east, in Ozaukee county, Wisconsin, containing about 170 acres, the said land being so purchased or now held in parcels, the said parties respectively represent that the total amount paid therefor was the sum of —— dollars, and under the patent issued therefor the parties aforesaid went into possession of said land, and made valuable improvements thereon to the amount of not less than eight thousand dollars ($8,000), and that one John F. Johnson, who now claims to have the title to said lands under patent from the United States issued to one Andrew Jackson in 1865, that the said John F. Johnson has brought an action for ejectment in the United States district court for the state of Wisconsin against one of the said parties which was ably defended by said parties, on or about the 20th of April, 1870. Judgment in favor of said Johnson and against said parties was rendered thereon and like actions were at the same time brought against each of the said parties named, and under a stipulation to abide the decision in the action first referred to, the plaintiff is entitled to judgment therein in the said court in the month of April next; therefore, **Preamble.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the governor to be used at his discretion, out of any money **Appropriated.**

in the general fund not otherwise appropriated, the sum of ($2,550) twenty-five hundred and fifty dollars, for the relief of said parties, and the state treasurer is hereby authorized to pay the said amount on the warrant of the secretary of state, drawn in favor of the governor for the above mentioned purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 160.

[*Published April* 1, 1871.]

**AN ACT to authorize the secretary of state to purchase Taylor's compilation of the general laws of this state, for the use of the state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May purchase compilation.**

SECTION 1. The secretary of state is hereby authorized to purchase five hundred copies of Taylor's compilation of the general laws of this state, for the use of the state, at a price not exceeding twelve dollars and twenty-five cents per copy of two volumes, containing not less than two thousand pages of printed matter: *provided*, that said price per copy may be increased *pro rata*, for any necessary additional pages not exceeding two hundred.

**Copy to be submitted to governor, chief justice and attorney general.**

SECTION 2. No purchase shall be made under the provisions of section one of this act, until a copy of said compilation shall be completed and presented to the governor, chief justice of the supreme court and attorney general for examination and approval, nor until the said governor, chief justice of the supreme court and attorney general shall make and file with the secretary of state a certificate, that they have examined the copy of said compilation so presented to them for examination, and that in their opinion the work is well done.

SECTION 3. That upon the presentation of the certificate mentioned in the next preceding section, together with the copy of the said work so examined by said governor, chief justice of the supreme court and attorney general, the secretary [of state] is hereby directed to purchase of David Taylor, the author of said compilation, five hundred copies thereof, at the price mentioned in the first section of this act, and he is hereby authorized to draw his warrant upon the treasurer of the state for a sum sufficient to pay for the same, upon the delivery of said volumes to the said secretary at the capitol in Madison. **Number to be purchased.**

SECTION 4. The treasurer is hereby required to pay all warrants drawn upon him by the secretary of state under the provisions of this act, and there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay said warrants. **Treasurer to pay warrants.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 161.

[*Published March* 31, 1871.]

AN ACT relative to proceedings against garnishees.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all cases in the courts of this state, when an affidavit is required for the purpose of procuring any person or corporation to be summoned, notified or charged as garnishee, the person making such affidavit shall state therein, that the property, money, credit, effects or indebtedness mentioned in such affidavit, are to the knowledge or belief of the person making such affidavit not by law exempt from seizure or sale upon attachment or execution. **What shall state in affidavit.**

SECTION 2. In all cases when a summons or notice is required to be served upon any person or corpora- **Service of summons on defendant required.**

tion, to summon, notify or charge such person or corporation as garnishee in any action pending in the courts of this state, a copy of such summons or notice shall be served on the defendant in such action within the time and in the manner that such summons or notice is required to be served on such garnishee, if such defendant can be found within the jurisdiction of the court in which such garnishee proceeding shall be commenced. If such defendant cannot be found within the jurisdiction of such court, but shall have an agent or attorney residing therein, then such summons or notice shall be served upon such agent or attorney within the time and in the manner aforesaid.

**Defendant may claim property as exempt from execution.**

SECTION 3. Whenever any person or corporation shall be summoned or notified as garnishee, and be required to answer touching his or its liability as garnishee in any action pending in any of the courts of this state, the defendant in such action may appear in such garnishee proceeding, at the time such garnishee is required to answer, and file with the court or officer before whom such garnishee is required to answer, a notice in writing, stating that he claims the property, money, credits, effects or indebtedness mentioned in the affidavit or a part thereof as exempt from seizure or sale on attachment or execution, or any other facts tending to show that the person or corporation so summoned or notified is not liable to be garnisheed, which notice shall state fully the facts upon which he claims that such property, money, credits, effects or indebtedness are exempt, or that such person or corporation is not liable to be garnisheed, and such defendant may also be sworn by such court or officer, and be examined in relation to facts stated in such notice, whereupon the defendant giving such notice shall be and become a party to said garnishee proceedings. The plaintiff in such action may traverse such notice like any other pleading, and the issue so formed shall be heard, tried and determined, like other issues in civil actions.

**Garnishee may appeal from decision.**

SECTION 4. The garnishee in any garnishee proceedings, or either party to the action in which any garnishee proceeding shall be commenced, may appeal from any decision, order or judgment made or rendered in such garnishee proceedings, in the same manner and with the same effect that appeals are taken in ordinary

cases pending in the court where such garnishee proceedings are pending.

SECTION 5. In all cases when a judgment shall be rendered against a garnishee, the costs and disbursements in the garnishee proceedings may be taxed and inserted in the judgment against the garnishee: *provided*, that such garnishee has property, money, credits or effects in his hands belonging to the defendant, or is indebted to such defendant in a sum sufficient to satisfy such judgment and said costs and disbursements; and if such garnishee has not property, money, credits or effects in his hands belonging to the defendant, nor is indebted to the defendant in a sum sufficient to satisfy such judgment and costs and disbursements, such costs and disbursements may be inserted in the judgment in the action in which such proceedings shall be commenced and be collected therewith.

**Taxation of costs and disbursements.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 162.

[*Published March* 30, 1871.]

**AN ACT relating to elections and amendatory of section 23 of chapter 7 of the revised statutes, entitled "of general and special elections," etc.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 23 of chapter 7 of the revised statutes is hereby amended by inserting after the word, "town" in the second line thereof, the words, "or of the clerk of the board, together with the clerk of the court, and the register of deeds, of the county," so that said section when amended shall read as follows: "Section 23. Whenever in the opinion of the inspectors of election of any town or of the clerk of the board together with the clerk of the court, and the regis-

**Amended.**

**May designate where other polls shall be held.**

ter of deeds of the county, more than one election poll will be necessary for the convenience of the electors at any general or special election, they are hereby authorized to designate a place or places where another or other polls shall be held, giving at least eight days' notice thereof in five of the most public places in such town, at which place or places so designated, the inspectors and clerks of such poll or polls shall be chosen as provided in the last two preceding sections, and they shall be authorized to act as inspectors and clerks of such election."

**Where provisions apply.**

SECTION 2. The provisions of this act shall only apply to the counties of Brown and Fond du Lac.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

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## CHAPTER 163.

[*Published April* 1, 1871.]

**AN ACT authorizing the publication of the list of lots and lands on which the taxes for the year 1870 are unpaid, in certain counties, in a newspaper printed in the German language.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section fifty-one of chapter thirteen of the revised statutes is hereby amended by inserting after the word, "thereof," in the third line, the words, "or when it appears by the last previous census that one-fourth or more of the adult population therein are of a nationality not speaking the English language, and in which there shall have been a newspaper published for one year or more in the language spoken by such nationality," so that said section shall, when amended, read as follows: "Section 51. In all cases when the board of supervisors of any county in this state shall deem it necessary for the better information of the inhabitants thereof, and when it appears by the last previous census that one-fourth or more of the adult population

**May publish notice in papers printed in foreign languages.**

therein are of a nationality not speaking the English language, and in which there shall have been a newspaper published for one year or more in the language spoken by such nationality, they shall order public notices relating to tax sales or other affairs of said county to be published in one newspaper published in any other than the English language: *provided*, that all such notices shall be published in a newspaper published in the English language, as heretofore required by law.

Approved March 24, 1871.

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## CHAPTER 164.

[*Published March* 28, 1871.]

**AN ACT to supply school officers with the Journal of Education.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Each school district clerk is hereby authorized to subscribe annually for one copy of the Wisconsin Journal of Education, the subscription price and postage to be paid by the district, and to be included in any of the taxes levied by the district at an annual or special meeting, as may be convenient. Each town clerk, or if the town shall have adopted the town system of school government, then the secretary of the town board of directors, is authorized to subscribe for one copy, the expense of which and postage shall be paid by the town, and included in the town taxes for school purposes.

**May subscribe for Journal of Education.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

## CHAPTER 165.

[*Published April* 1, 1871.]

**AN ACT to amend chapter 92 of the general laws of 1870, entitled "an act to provide for the protection from trespasses of the lands granted by congress to the state of Wisconsin, to aid in the construction of the Sturgeon Bay Ship Canal," approved March 16, 1870.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Sec. 2 amended.**

SECTION 1. Section two of chapter 92 of the general laws of 1870, entitled "an act to provide for the protection from trespasses of the lands granted by congress to the state of Wisconsin, to aid in the construction of the Sturgeon Bay Ship Canal," approved March 16, 1870, is hereby amended so as to read as follows:

**May authorize clerk to seize logs, etc.**

Section 2. The said commissioners shall have power to authorize and empower any such clerk to seize or cause to be seized any and all logs or timber, or other material of whatever kind, name or description, which may be cut upon or carried away from said lands, without process, and to sell the same at public auction to the highest bidder: *provided*, that no such sale shall be made until the clerk making such seizure shall report the same to the said commissioners, nor until the time and place of such sale shall have been advertised in a newspaper printed in the county where such sale is to be had, if any there be, at least once in each week for three successive weeks; and if there is no newspaper printed in said county, then by written or printed notice of such time and place, posted up in the most public place in said county, at least twenty days before such sale; *and provided, further*, that nothing herein contained shall be so construed as to prevent the said commissioners from selling the property so seized at private sale, at a rate not less than two dollars per thousand feet, or one half of the actual value of such property. At every public sale the commissioners may cause a bid or bids to be made on behalf of the state, and all moneys arising from the sale of such property shall be immediately paid into the state treasury.

SECTION 2. Section 3 of chapter 92, hereinbefore referred to, is hereby amended by adding to the end of said section the following: "unless otherwise directed by the said commissioners of the school and university lands." Sec. 3 amended.

SECTION 3. Section 4 of said chapter 92 is hereby amended by striking out the words, "by said clerks," where they occur in the 18th and 19th lines of said section. Sec. 4 amended.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

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## CHAPTER 166.

[*Published March* 30, 1871.]

AN ACT to amend section 25 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-five of chapter one hundred and thirty of the general laws of 1868 is hereby amended by adding thereto as follows: "*provided, further*, that the said board of review shall and may, when they deem the valuation of any property assessed too high or too low on the assessment roll, raise or lower the same, as the case may be, whether the person assessed appear before them or not, and they may also place upon the said roll any property that they may know to be left off from said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; *and provided, further*, that in all cases, if said board shall raise the amount of such assessment on any property, the owner thereof, if a resident of such town, shall be duly notified of such intention in time, that such owner may be heard before such board, in relation to the value thereof." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1871.

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## CHAPTER 167.

[*Published March* 31, 1871.]

**AN ACT to authorize the secretary of state to audit the claim of Ralph Marsh, for certain taxes and interest, erroneously paid by him.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Shall audit claim.**

SECTION 1. The secretary of state of the state of Wisconsin is hereby authorized and directed to audit the claim of Ralph Marsh, for the taxes paid by him and his assignor, with interest from the time of payment, as set forth in the foregoing preamble, and also the interest on the principal sum paid and advanced by him or his assignor in payment for said land, subject only to a deduction of the amount that may be allowed to him by the commissioners of school and university lands under existing laws, and the secretary of state shall draw his warrant upon the state treasurer for the amount so found due to said Marsh on said account.

**Appropriated.**

SECTION 2. There is hereby appropriated to said Ralph Marsh, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to pay the amount of the warrant to be drawn by the secretary of state, under the provisions of this act.

SECTION 3. This act shall be in force after its passage and publication.

Approved March 24, 1871.

# CHAPTER 168.

[*Published April* 1, 1871.]

**AN ACT to regulate the estimation of time in the settlement of school district boards with teachers.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Number of days to constitute month.**

SECTION 1. Hereafter in all settlements for wages between teachers and school boards or other employers of teachers in the public schools, on all contracts that may be entered into subsequent to the passage of this act, twenty-two days shall be understood as constituting a school month, unless it be otherwise specified in the contract: *provided*, that in all such settlements, on the basis of twenty-two days to a month, all legal holidays occurring on regular school days shall be counted and included, although no school be taught; *and provided, further*, that teaching on Saturdays shall not be counted or included.

**How apportionment made.**

SECTION 2. In the apportionment of school moneys in the year 1871, and annually thereafter, one hundred and ten days shall be understood to constitute the five months required by section fifty-nine of the general school law for all cities, towns and school districts in which the schools have been taught on the basis of twenty-two days for a month, as provided in the first section of this act.

SECTION 3. Hereafter, in the preparation of blanks for school reports, the state superintendent shall make such changes as are rendered necessary by the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1871.

# CHAPTER 169.

[*Published March* 31, 1871.]

**AN ACT to amend chapter 155 of the general laws of 1863, entitled an act to codify the laws of this state, relating to common schools.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Sec. 42 amended.**

**Clerk to make contract in writing.**

SECTION 1. Section forty-two of said chapter 155 is hereby amended so as to read as follows: "Section 42. The clerk shall contract with and hire duly qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the director or treasurer, or both, indorsed thereon, and shall specify the wages per week, month or year, as agreed upon by the parties, and said contract so completed shall be filed in the office of the district clerk, with a copy of the certificate of the teacher so employed attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher: *provided*, that a majority of the board may, by an order filed with the clerk, or a memorandum in the district record book, said order or memorandum being subscribed by them, fix the time when the several terms of the school, or any of said terms shall open; and if the clerk shall fail to hire a suitable teacher before the term so fixed, then the district board shall hire and contract with a qualified teacher; and a majority of the board shall constitute a quorum for the transaction of business."

**Sec. 43 amended.**

**How report of number of children to be made.**

SECTION 2. Sub-section second of section 43 of said chapter 155 is hereby amended by adding thereto the following words: "also, the number of children attending school during any part of the year, between the ages of four and seven, seven and fifteen, and fifteen and twenty, respectively; and to this end he shall require and instruct the teachers to enter the ages of all children attending school in the register; he shall also ascertain and report the whole number of children between the several ages named, residing in the district on the last day of August, previous to making such report."

SECTION 3. Section 50 of said chapter 155 is hereby amended by adding thereto the following words: "In case a vacancy shall occur in a joint district, and shall not be filled by the district board, the clerk of the town in which the school house is situated shall fill said vacancy, but his appointment shall be indorsed by the clerks of the other town or towns embracing a part of said joint district."

Sec. 50 amended.

Vacancy—how filled.

SECTION 4. Section 63 of said chapter 155, shall be amended so as to read as follows: "The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection. Whenever such certificate of the district clerk shall be received by him in time therefor although after the first Monday of November, and if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the district treasurer: *provided*, that if there shall be a deficiency in cash funds in the town treasury to pay all the charges thereon in one year, then the town treasurer shall set apart a sufficient amount of such funds to pay in full the amount of moneys levied and assessed for common school purposes, and returned taxes collected for any school district; *and provided, further*, that merchants and manufacturers' stock shall be liable to assessment for school tax, only in the school district where the same is situated."

Sec. 63 amended.

Tax—how assessed.

SECTION 5. Section 64 of said chapter 155 is amended so as to read as follows: "Section 64. Any tax voted at a special meeting held at a time not specified in section 62 of this chapter shall be assessed by the district clerk and collected by the district treasurer in the manner hereinafter provided, unless the meeting which voted such tax shall determine that the same shall be collected by the town treasurer, in which case the district clerk shall include each tax in the statement which by section 62 of this chapter he is required to deliver to the town clerk, on or before the first Monday of November."

Sec. 64 amended.

Tax voted at special meeting—how assessed.

Sec. 85 amended.
Location of school house sites.

SECTION 6. Section 85 of said chapter 155 is hereby amended by adding thereto the following words: "All the provisions of this chapter and of all acts amendatory thereof in reference to the location and establishment of school house sites, shall apply to the location and establishment of any addition to a site already located: *provided*, that no site thus enlarged shall exceed one acre of land."

Sec. 103 amended.
Examination for certificate of second grade.

SECTION 7. Section 103 of said chapter 155 shall be amended so as to read as follows: "Section 103. Every applicant for a certificate of the second grade, shall be examined in all the branches required for a certificate of the third grade, and in addition thereto, in grammatical analysis, physiology, physical geography and elementary algebra, and if found qualified, shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force one year from the date thereof."

Approved March 25, 1871.

# AMENDMENT TO CONSTITUTION.

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**AMENDMENT to section 8 of article 1 of the constitution of the state of of Wisconsin, published in accordance with the provisions of section 91 of chapter 7 of the revised statutes.**

SECTION 8. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it.

STATE OF WISCONSIN }
SECRETARY'S OFFICE. } SS.

I, Ll. Breese, secretary of state of the state of Wisconsin, do hereby certify that the foregoing amendment to section 8 of article 1 of the constitution was duly ratified and adopted by the people, at a general election held on the Tuesday succeeding the first Monday of November, 1870, as appears from the determination and certificate of the state board of canvassers, now of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state, at the capitol
[L. S] at Madison, this 31st day of December, 1870.

LL. BREESE,
*Secretary of State.*

# JOINT RESOLUTIONS.

## NUMBER 1.

**JOINT RESORUTION agreeing to an amendment to article four of the constitution of the state of Wisconsin.**

WHEREAS, The legislature of this state, at its annual session for the year 1870, proposed and adopted by a vote of a majority of the members elected to each of the two houses, an amendment to the constitution of this state in the following language:

*Resolved by the senate, the assembly concurring*, That article four of the constitution be amended by adding thereto, two other sections which shall read as follows: Section 31. The legislature is prohibited from enacting any special or private laws in the following cases: 1st. For changing the name of persons or constituting one person the heir-at-law of another. 2d. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by congress. 3d. For authorizing persons to keep ferries across streams at points wholly within this state. 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability. 5th. For locating or changing any county seat. 6th. For assessment or collection of taxes or for extending the time for collection thereof. 7th. For granting corporate powers or privileges except to cities. 8th. For authorizing the apportionment of any part of the school fund. 9th. For incorporating any town or village or to amend the charter thereof. Section 32. The legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state; therefore,

*Resolved by the assembly, the senate concurring*, That the foregoing amendment to the constitution be, and the same hereby is agreed to by this legislature.

Approved March 17, 1871..

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## NUMBER 2.

**JOINT RESOLUTION, to amend section 4 of article 7 of the constitution of the state of Wisconsin.**

*Resolved by the senate, the assembly concurring*, That section four of article seven of the constitution be amended so as to read as follows: Section 4. The supreme court of this state with the jurisdiction and powers prescribed in this constitution shall consist of one chief justice and four associates justices, to be elected by the qualified electors of the state at such times and in such manner as the legislature may provide, and such court so constituted shall not be changed or discontinued by the legislature. The chief justice and associate justices of the supreme court now in office shall hold their offices for the remainder of the terms for which they were respectively elected, and until the election and qualification of the two additional associate justices herein provided for, shall constitute the supreme court of this state. This [the] legislature shall at its first session after the adoption of this amendment, provide by law for the election of the two additional associate justices hereby required and their successors, and for the election of the successors of the chief justice and associate justices now in office, and for classifying the two additional associate justices first elected, so that the term of office of one of them shall be four years and of the other six years. The term of office of the chief justice and of each associate justice of the supreme court elected after the adoption of this amendment, except as herein otherwise provided, shall be six years.

Approved March 20, 1871.

# MEMORIALS.

## NUMBER 1.

**MEMORIAL to congress for the renewal of the grant to aid in the construction of a railroad from Saint Croix river or lake, to the west end of Lake Superior and to Bayfield.**

To the honorable, the senate and house of representatives of the United States in congress assembled:

*The memorial of the people of Wisconsin, represented in senate and assembly respectfully showeth:*

That your memorialists most earnestly urge the renewal to the state of Wisconsin of the grant made by the acts of congress, approved June 3, 1856 and May 5, 1864, for the purpose of aiding in building a railroad from the Saint Croix river or lake to the west end of lake Superior and to Bayfield;

Because its passage would secure the speedy development of a large portion of this state, which must otherwise remain for a long time sparsely settled;

Because its passage is demanded by justice to the present settlers within the limits of said grant, who have entered their land at $2.50 per acre in the belief that said road would soon be constructed;

Because a renewal of said grant would be of great benefit to all who wish to make homesteads upon that portion of it which is fit for agricultural purposes;

Because if said grant should not be renewed, the pine lands embraced within it would soon fall into the hands of large lumbering companies, or be taken under pre-emption or homestead laws only to be despoiled of timber and abandoned,

And because while the renewal of said grant would involve no loss to the national treasury, it would bring a large region into actual cultivation and settlement, and very greatly promote the prosperity of this state and of the whole northwest.

The governor is requested to transmit copies of this memorial forthwith to the president of the senate and to the speaker of the house of representatives.

Approved January 25, 1871.

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## NUMBER 2.

**MEMORIAL to the postmaster general for increase of mail service on mail route number 13,187, from Sextonville to Cazenovia in Richland county.**

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests of a large number of the inhabitants of the county of Richland require an increase of mail service to twice a week on mail route number 13,187, from Sextonville by the way of Ithica, Neptune and Loyd to Cazenovia, all in the county of Richland, embracing a distance of twenty miles.

Your memorialist therefore respectfully memorialize you to order such increase of service.

*Resolved*, That his excellency, the governor, be requested to forward a copy of this memorial to the postmaster general.

Appproved February 14, 1871.

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## NUMBER 3.

**MEMORIAL to congress for an appropriation for the harbor at Port Washington in the county of Ozaukee.**

To the honorable the senate and house of representatives of the United States in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the statements in the memorial of the legislature of this state, approved April 9, 1867, and published in the volume of general laws passed that year on page 221, is a statement of facts as they existed then and as they now exist. Your

memorialists would earnestly solicit your attention to that memorial. Your memorialists would further state to your honorable body, that a harbor at Port Washington would open to profitable use, more manufacturing power than any other place on the western shore of Lake Michigan. The principal water powers on the Milwaukee river and all its tributaries are nearer to Port Washington than to any other point on the lake. They are not all improved but a great many of them are, causing villages to spring up, where a great deal of commerce is done, but to an immense disadvantage for want of a harbor at that place.

The United States have already expended about eight thousand dollars, and individuals at Port Washington about three thousand dollars in opening the harbor at that place according to the plan recommended by the United States survey. It would not only throw away the money already expended, to grant no further appropriation, but would work a wrong to those who have thus voluntarily contributed on the faith that the government would carry on a work that it had already begun. And your memorialists will ever pray.

Approved February 17, 1871.

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## NUMBER 4.

**MEMORIAL to the congress of the United States with reference to an appropriation for a harbor at Ahnepee, in the state of Wisconsin.**

To the honorable the senate and house of representatives of the United States in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the long section of the tract of lake commerce, extending from Manitowoc on the west shore of lake Michigan, to the island of Mackinaw in Mackinaw straits, being a distance of over two hundred miles is without any haven of refuge for vessels except a hazardous and inconvenient inlet at Washington island, which island forms one side of the passage known by the significant title of "Death's Door." For a large part of this distance the path of navigation is necessarily along the

St. Louis might be diverted so as to impair or destroy said natural entry, and render nugatory the government works thereat. That the efficiency of any such new channel could be secured only by works and under conditions similar to those pertaining to the present entry; and that no point within said bay, whether in Minnesota or Wisconsin, would, by means of any such new channel, be rendered more accessible to shipping than it would be through the present entry as perfected by the completion of the government works.

That the map hereto annexed presents a general outline of the water and land conformations at the head of lake Superior, including the bays of Superior and St. Louis and the shores of Wisconsin and Minnesota bordering thereon.

We therefore respectfully and urgently ask your honorable body to make an appropriation sufficient to complete, at the earliest practicable period, the said government works at the entry of the bay of Superior, at the mouth of the St. Louis river; and we respectfully remonstrate against any appropriation or the passage of any law which may authorize the construction of any other channel through Minnesota Point.

WHEREAS, The foregoing petition and remonstrance of the people of Superior, in this state, has been presented to the congress of the United States; and

WHEREAS, It is the opinion of the United States government engineers, officially familiar with the situation, that the construction of a canal through Minnesota Point, at or near its base, (avowedly one of the main objects for which the appropriation mentioned in senate bill No. 1,179 of the forty-first congress, third session, is sought), would be likely, by the means of the diversion of the St. Louis river, to destroy or seriously impair the natural entry, now being improved by the general government, at the mouth of that river; and

WHEREAS, The St. Louis river for a distance of about twenty miles from its mouth is the common boundary between the states of Minnesota and Wisconsin, and the said states have common rights, privileges and jurisdiction in, to and over the same, including the bays of Superior and St. Louis, formed by expansions of said river; and

WHEREAS, The diversion of said river through any artificial channel that might be made through Minnesota Point would result in no increase of harbor facilities for either state, and would, in effect, confine the outlet of said stream exclusively within the territory and jurisdiction of Minnesota, and would, therefore, be an infraction of the sovereign rights of the state of Wisconsin; and

WHEREAS, The construction of a dyke, (as has been proposed, across the head of the bay of Superior, for the purpose of preventing such diversion, would unlawfully obstruct navigation in said bay; therefore,

*Resolved*, That the senators and representatives from this state in the congress of the United States are hereby earnestly requested to use their best efforts to carry out the objects of the foregoing petition and remonstrance, and to provide that any appropriation which shall be made for harbor improvements at the head of lake Superior shall not be expended in a manner which may involve discrimination against this state, or indifference to its equal interests and rights at that point.

*Resolved*, That the governor of this state be and he is hereby requested to transmit a copy of the foregoing to each of our senators and representatives in congress.

Approved February 24, 1871.

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## NUMBER 8.

**MEMORIAL to congress to establish a daily mail route from the village of Potosi, Grant county, state of Wisconsin, to the city of Dubuque, state of Iowa.**

*The memorial of the legislature of the state of Wisconsin would respectfully represent:*

That a large number of the inhabitants of the county of Grant, state of Wisconsin, and of the county and city of Dubuque, state of Iowa, require the establishment of a daily mail route from the village of Potosi, Grant county, Wisconsin, via Specht's ferry, on the Mississippi river, and Thompson's Mills, to the city of Dubuque, Iowa.

Your memorialists would therefore respectfully ask the establishment of said mail route, and that service be commenced as soon as practicable.

Approved February 25, 1871.

## NUMBER 9.

**MEMORIAL to the postmaster general for an increase of mail service on the mail route between the city of Manitowoc, in the county of Manitowoc, to the village of Menasha, in the county of Winnebago**

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the mail service on the mail route between the city of Manitowoc via Branch Mills, Cato, Paquette, Reedsville, Kasson, Brillion and Sherwood postoffices, to the village of Menasha, in the county of Winnebago, is inadequate to the wants of that densely settled and thriving country, as the mail goes only once a week each way on that route, and your memorialists would therefore respectfully request that the service on that route be increased so as to give to the people living along said route, the benefit of a tri-weekly mail service each way.

Approved March 2, 1871.

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## NUMBER 10.

**MEMORIAL to congress for a mail route.**

To the honorable the senate and house of representatives in congress assembled.

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests and convenience of the inhabitants of Waushara and quite a large portion of Adams counties, require the establishment of a tri-weekly mail route from Wautoma by way of Deerfield, Hancock and Flyte's mill to Shipways, in the county of Adams, and that this is a necessity, and has been for a long period of time to the inhabitants of said counties, and your memorialists would respectfully ask that the route be established at as early a period as possible.

Approved March 8, 1871.

## NUMBER 11.

MEMORIAL to congress for aid to the Milwaukee and Northern Railway.

To the honorable the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of Wisconsin respectfully represents:*

That the construction of the Milwaukee and Northern Railway from the city of Milwaukee to Lake Superior appears to your memorialists to be a work of great importance to this state and to the commerce of the country, and that in the opinion of your memorialists it would be wise for the congress of the United Staters to make a liberal grant of public lands along the line of the said railway to aid in the construction of the same. The building of said railway would open to improvement a district of country northwesterly from Green Bay which has hitherto been nearly inaccessible, and would greatly enhance the value of the remaining public lands of the United States in that region.

Your memorialists therefore ask the attention and favorable consideration of your honorable bodies to the measure now before congress for the aid of the aforesaid work.

Approved March 16, 1871.

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## NUMBER 12.

MEMORIAL to congress against the repeal of the tax on incomes.

To the senate and house of representatives, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That there is now pending in your honorable body a bill for the repeal of the tax on incomes. Your memorialists therefore respectfully represent that in their judgment it is highly important and justice demands, that each and every class of citizens bear their proper proportion of the necessary burdens

of taxation, and this tax bearing as it does upon a class a large proportion of whom derive their incomes from interest upon United States bonds which under existing laws are exempt from taxation, we therefore deem it eminently just and proper that this tax should remain unmodified and in full force, being derived from those who are best able to contribute to the support of the government, only affecting the surplus wealth of individuals, and in no case affecting the necessaries or labor of the poor; therefore,

*Be it resolved by the senate, the assembly concurring,* That his excellency, the governor, be and he is requested to forward a copy of the above memorial to each of our senators and representatives in the congress of the United States.

Approved March 20, 1871.

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## NUMBER 13.

**MEMORIAL** to the honorable, the congress of the United States.

*The memorial of the people of the state of Wisconsin, represented in senate and assembly; respectfully shows:*

That a large number of farmers, citizens of the state of Wisconsin, living along the line of (what was formerly known as) the La Crosse and Milwaukee Railroad, mortgaged their farms to aid in the construction of said road; that these mortgages amounted to nearly one million of dollars, formed the first basis of capital on which said road was built. That in order to complete said road it was subsequently mortgaged, and said road was completed, and has become a great and important thoroughfare, connecting lake Michigan with the Mississippi river. That the aforesaid mortgages have been foreclosed, the said railroad sold and the farmers who gave their mortgages to aid in the construction of said railroad have in many cases lost their farms or became unable to pay such mortgages. That many of the citizens of said state, residing in the counties of Milwaukee, Washington, Ozaukee, Fond du Lac and other counties in said state, on the line of what were formerly known as the Milwaukee and Superior and the Milwaukee and Horicon Railroads, were also induced to mortgage their farms to said company respectively, to aid in their con-

struction. That such roads have also been sold under mortgages thereof, and all the property of said company has passed to other hands, and the obligations of said companies to pay said farm mortgages have become worthless, and the stock thereof wholly valueless, and the persons who to aid the construction of said roads, mortgaged their farms to such companies have either lost their farms or paid or become liable to pay the amount of their respective mortgages. That these respective roads are designed as a public benefit; that so far as they have been completed, they have become great public benefits, opening up and developing the newer portion of the state, and rendering access to the government lands in the state near, easy and convenient. This class of the citizens of the state are, in the opinion of your memorialists, entitled to the sympathy and aid of both the state and the national government. That it is unjust and inequitable that they alone should bear the burden of these public improvements, even to the extent of personal ruin and the loss of their homes.

Your memorialists therefore respectfully pray that the congress of the United States will pass an act making a grant to the state of Wisconsin of a portion of the public lands equal in value to the amount of this indebtedness, for the benefit and to be disposed of in aid of those who have thus mortgaged their farms to any railroad company or railroad companies within the state of Wisconsin, and who have been compelled to pay the mortgages or whose farms have been sold therefor or who still remain liable thereon, and who have not been reimbursed therefor by such railroad companies; and your memorialists will ever pray, etc.

Approved March 23, 1871.

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## NUMBER 14.

**MEMORIAL to the senate and house of representative of the United States in congress assembled:**

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interest and convenience of the people of Racine, and of this state will be greatly promoted by the construction

and erection at that plaice, by the United States, of a building for post office purposes.

That the total receipts of the post office at Racine, for the year 1870 were about $12,900; that the total number of letters received at said office during said year, was about 313,-300; that about forty tons of paper mail were received, and fifteen tons of paper mail were sent from said office during the same period; that for said year 1870, ·2,590 money orders, amounting to $41,503.03, were issued from said Racine post office, and that the amount of orders paid during the same period was $43,161.31.

That about 20,000 people, residing at Racine and in its vicinity, are supplied with mail matter at said office, and that the business of said office is rapidly increasing.

That Racine is a port of entry on Lake Michigan, possessing one of the safest and most capacious harbors on the lake; that its commercial interests are large and increasing; that its vessel tonnage is second only to that of Milwaukee, and larger than that of any other port in Wisconsin except Milwaukee; that Racine is the eastern terminus of the Western Union Railroad, a railroad extending west through the states of Wisconsin and Illinois, and having its western terminus at Rock Island, in said last named state; that during the season of navigation, a large portion of the mail matter from New York, the New England states, Canada and Nothern Michigan, designed for Iowa and Nebraska, is transported via Grand Haven, Milwaukee and Chicago, and that the Western Union Railroad is a more direct and speedy route than any other established for the purpose of transporting such mail matter.

That the present facilities for transacting the business of a post office and collection of customs at Racine are limited and insufficient, and that the requirements of business demand an enlargement of the same.

Your memorilalists therefore respectfully ask that measures may be taken and sufficient appropriations may be made, for the construction of a suitable building for post office purposes and for the transaction of business connected with the office of the collector of customs at Racine.

Approved March 24, 1871.

## NUMBER 15.

**MEMORIAL to congress for the improvement of the Wisconsin and Fox rivers**

To the honorable the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the importance of completing the improvement of the Wisconsin and Fox rivers, as contemplated in the late act of congress, approved July 7, 1870, thereby connecting by improved water communication, the great lakes and the Mississippi, was never as pressing as at this time.

The products for export of the section of country lying west of the lakes, in variety and quantity almost unlimited, especially the product of wheat, constituting almost the total foreign and inter-state wheat export of the country, are practically shut off from the markets of the east by railway barriers. Of the crop of 1870, but little comparatively has been moved, a result which, while occasioned by the great cost of movement, has of itself contributed to increase the cost of transportation.

War prices for a time enabled the farmers to bear the burden, but with the prospect of continued peace, and consequent prosperity to the country at large, the burden upon that section, too great to bear and prosper, bids fair to be perpetuated, unless relief shall come from congress.

That husbandry can not be regarded as prosperous or well protected, which requires the farmer to raise two, or more than two crops, in order that he may receive the market price of one.

Therefore your memorialists most respectfully urge you to hasten with all proper dispatch, the execution of the policy declared in the act of congress referred to.

*Be it therefore resolved by the senate, the assembly concurring,* That the governor be, and he is hereby authorized and requested to affix his official signature, and forward a copy of this memorial and resolution to the president of the United States, the president of the senate, the speaker of the house of representatives, and to each of the senators and representatives in the congress of the United States.

Approved February 21, 1871.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE. } ss.

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in
[L. S.] Madison, this eighth day of May, A. D. 1871.

LL. BREESE,
*Secretary of State.*

# LIST OF APPROPRIATIONS.

| Date. | Chap. | To whom and for what appropriated. | Amount. |
|---|---|---|---|
| Jan. 30 | 1 | State Prison, for current expenses and repairs.. | $94,090 67 |
| Feb. 10 | 2 | State Reform School; current expenses, deficiences and purchases..... | 58,000 00 |
| Feb. 11 | 3 | Soldiers' Orphans' Home; general expenses.... | 40,000 00 |
| Feb. 11 | 4 | Hospital for Insane, Madison; general expenses..... | 92,200 00 |
| Feb. 11 | 5 | Institute for Education of the blind; current and other expenses..... | 25,373 50 |
| Feb. 17 | 6 | H. N. Solberg, for surplus on forfeiture and sale of land..... | 31 70 |
| Feb. 24 | 7 | State Prison commissioner, for construction of new roofs on south wing..... | 5,000 00 |
| Feb. 24 | 8 | L. B. Hills, for services as chief clerk in organizing senate, and as clerk of the board of equalization of 1870..... | 50 00 |
| Feb. 24 | 9 | M. H. Pettit, E. S. Miner, S. D. Burchard, W. P. Rounds, George G. Swain, Willard Merrill, H. A. Chase, Mathew Keenan and G. T. Thorn, visiting committee, $100 each..... | 900 00 |
| Feb. 24 | 10 | James M. Bull, as clerk of committee of board of equalization, 1870..... ..... | 30 00 |
| Feb. 24 | 11 | Charles Vedder, as messenger of board of equalization, 1870..... ..... | 12 00 |
| Feb. 24 | 12 | Walworth County Agricultural Society, annual appropriation..... | 100 00 |
| Feb. 24 | 13 | Winnebago County Agricultural Society, annual appropriation..... | 100 00 |
| Mar. 3 | 14 | Henry Dagget, on account of lands sold by the state..... | 112 00 |
| Mar. 3 | 15 | Institute for the Education of the Deaf and Dumb, for general expenses..... | 38,364 00 |
| Mar. 9 | 16 | Widow of Byron Paine..... ..... | 1,000 00 |
| Mar. 9 | 17 | James E. Ingraham, for printing in 1868 and 1869..... | 25 15 |
| Mar. 16 | 18 | Albert A. See, for services as enrolling officer in 1862..... | 25 00 |
| Mar. 16 | 19 | Adolph Haster, for surplus on school bond certificates..... | 61 00 |
| Mar. 16 | 20 | La Fayette Kellogg, for services as clerk of the supreme court, during the months of January and February, 1871..... | 125 00 |
| Mar. 20 | 21 | S. K. Vaughn, for serving summons on Bank of Columbus, 1868..... | 9 85 |

| *Date.* | *Chap.* | *To whom and for what appropriated.* | *Amount.* |
|---|---|---|---|
| Mar. 23 | 22 | Charles Smith, to reimburse for money paid for certain lands ... ..... | 50 00 |
| Mar. 24 | 23 | Governor's contingent fund..... . | 2,000 00 |
| Mar. 24 | 24 | M. W. Stevens, to reimburse for money paid for certain lands..... | 100 00 |

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, Ll. Breese, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all appropriations made at the last session of the legislature except those classified with the general laws and published as such in this volume.

In testimony whereof, I have hereunto set my hand and affixed the great [L. S.] seal of the state, at the capitol, in Madison, this ninth day of May, 1871.

LL. BREESE,
*Secretary of State.*

# STATEMENT

SHOWING THE TIMES AND PLACES FOR HOLDING CIRCUIT COURTS IN THE SEVERAL COUNTIES OF THIS STATE.

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*Prepared by the Secretary of State in accordance with Chap.* 145, *G. L. of* 1869.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | **FIRST CIRCUIT.** | | |
| Walworth.. | 3d Monday in September..<br>3d Monday in February ...<br>2d Monday in June ..... | Elkhorn ..... | Ch. 18, G. L. 1869. |
| Racine ... | 2d Monday in October ....<br>2d Monday in March.....<br>3d Monday in June..... | Racine ..... | Ch. 18, G. L. 1869. |
| Kenosha .. | Wednesday after 1st Monday in November .....<br>Wednesday after 1st Monday in April .....<br>2d Monday in August ..... | Kenosha ..... | Ch. 18, G. L. 1869. |
| | **SECOND CIRCUIT.** | | |
| Milwaukee. | 2d Monday in January ....<br>1st Monday in May .. ....<br>4th Monday in June .....<br>1st Monday in October .... | Milwaukee .... | Ch. 22, G. L. 1871. |
| Waukesha. | 3d Monday in March .....<br>1st Monday in December ..<br>2d Monday in June, [Law Term] ..... | Waukesha .... | Ch. 248, P. & L. 1866. |

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | THIRD CIRCUIT. | | |
| Marquette. | Tuesday next after 1st Monday in January ..... Tuesday next after last Monday in May. | Montello ..... | Ch. 24, G. L. 1871. |
| Green Lake | 2d Monday in January ..... 1st Monday in June..... | Dartford ..... | Ch. 24, G. L. 1871. |
| Dodge .... | 2d Monday in October..... 4th Monday in February... Special term, 2d Monday of July..... | Juneau ..... | Ch. 24, G. L. 1871. |
| Wash'ngt'n | 3d Monday in March..... 2d Monday in November... | West Bend.... | Ch. 24, G. L. 1871. |
| Ozaukee . | Tuesday after 4th Monday of January ..... Tuesday next after 3d Monday in June .... ... ... | Port Wash'gton | Ch. 24, G. L 1871. |
| Winn'bago | Tuesday next after 2d Monday of April ..... Tuesday next after 1st Monday of September ..... Tuesday next after 1st Monday in December ..... | Oshkosh ..... | Ch. 24, G. L. 1871. |
| | FOURTH CIRCUIT. | | |
| Sheboygan | 3d Monday in February.... 4th Monday in May..... 3d Monday in November.. | Sheboygan .... | Ch. 127, G. L. 1871. |
| Calumet... | 2d Monday in June..... 2d Monday in November.. | Chilton..... | Ch. 127, G. L. 1871. |
| Manitowoc | 3d Tuesday in June..... 2d Tuesday in December.. | Manitowoc .... | Ch. 127, G. L. 1871. |
| Kewaunee. | 1st Monday of February... 2d Monday of July ..... | Kewaunee..... | Ch. 127, G. L. 1871. |
| FondduLac | 1st Monday of January .... 4th Monday in April ..... 4th Monday in September.. Special term, 1st Monday in July..... | Fond du Lac... | Ch. 127, G. L. 1871. |

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | FIFTH CIRCUIT. | | |
| Grant..... | 1st Monday in March ..... 2d Monday in September... | Lancaster ..... | Ch. 42, G. L. 1870. |
| Iowa ..... | 4th Monday in March..... 1st Monday in October..... | Dodgeville .... | Ch. 42, G. L. 1870. |
| La Fayette. | 4th Monday in June..... 1st Monday in December... | Darlington .... | Ch. 42, G. L. 1870. |
| Richland.. | 2d Monday in April..... 4th Monday in October..... | RichlandCenter | Ch. 42, G. L. 1870. |
| Crawford.. | 1st Monday in June..... 2d Monday in November... | Prairie duChien | Ch. 42, G. L. 1870. |
| | SIXTH CIRCUIT. | | |
| Clark..... | 1st Tuesday in March..... 1st Tuesday in September.. | Neillsville..... | Ch. 9, G. L. 1871. |
| Jackson... | 2d Tuesday in March..... 2d Tuesday in September.. | BlackRiv'rFalls | Ch. 9, G. L. 1871. |
| Monroe ... | 4th Tuesday in March..... 4th Tuesday in September.. | Sparta..... | Ch. 9, G. L. 1871. |
| La Crosse.. | 2d Tuesday in May ..... 2d Tuesday in November... | La Crosse ..... | Ch. 9, G. L. 1871. |
| Vernon ... | 2d Tuesday in June..... 1st Tuesday after the 2d Monday in December .... | Viroqua..... | Ch. 9, G. L. 1871. |
| Buffalo.... | 1st Tuesday in May..... 4th Tuesday in October.... | Alma..... | Ch. 9, G. L. 1871. |
| Tremp'leau | 3d Tuesday in April..... 2d Tuesday in October..... | Galesville..... | Ch. 9, G. L. 1871. |
| | SEVENTH CIRCUIT. | | |
| Marathon.. | 2d Monday in March..... 3d Monday in August..... | Wausau..... | C.269,G.L.'62 C.350,G.L.'64 |
| Portage... | 4th Monday in January..... 2d Monday in July..... | Stevens Point.. | Ch. 133,G.L. 1871. |
| Waushara.. | 4th Monday in March..... 2d Monday in September... | Wautoma ..... | Ch. 41, G. L. 1870. |
| Waupaca.. | 4th Monday in May..... 2d Monday in December ... | Waupaca ..... | Ch. 133,G.L. 1871. |

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | SEVENTH CIRCUIT—continued. | | |
| Adams.... | 3d Monday in March.....<br>3d Monday in October..... | Friendship .... | Ch. 143, G. L. 1870. |
| Juneau* .. | 1st Monday in May.....<br>2d Monday in October..... | Mauston ..... | Ch. 133, G. L. 1871. |
| Wood .... | 2d Monday in February....<br>2d Monday in August ..... | Grand Rapids.. | Ch. 98, G. L. 1867. |
| | EIGHTH CIRCUIT. | | |
| Chippewa . | 3d Monday in March .....<br>3d Monday in September .. | Chippewa Falls. | Ch. 34, G. L. 1868. |
| Dunn and Dallas .... | 2d Monday in March .....<br>2d Monday in September .. | Menomonee ... | Ch. 34, G. L. 1868. |
| Eau Claire. | 4th Monday in March.....<br>4th Monday in September.. | Eau Claire .... | Ch. 34, G. L. 1868. |
| Pepin..... | 1st Monday in March.....<br>1st Monday in September.. | Durand ..... | Ch. 34, G. L. 1868. |
| Pierce .... | 4th Monday in May.....<br>4th Monday in November .. | Ellsworth . ... | Ch. 116, R. S. |
| St. Croix.. | 2d Monday in May .....<br>2d Monday in November... | Hudson ..... | Ch. 116, R. S. |
| | NINTH CIRCUIT. | | |
| Columbia . | 3d Tuesday in May.....<br>1st Tuesday in December .. | Portage..... | Ch. 149, G. L. 1867. |
| Dane ..... | Wednesday after 1st Monday in April.....<br>Wednesday after 1st Monday in November.....<br>Special term 2d Tuesday in July ..... | Madison ..... | Ch. 9, G. L. 1869.<br>Ch. 149, G. L. 1867. |
| Sauk ..... | Tuesday after 1st Monday in January.....<br>2d Tuesday in June ..... | Baraboo ..... | Ch. 556, P. L. 1866.<br>Ch. 145, G. L. 1867. |

* Chapter 30, G. L. 1871, provides that the general terms of the circuit court for the county of Juneau shall be held on the second Monday of October, and the second Monday in March, in each year.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | **TENTH CIRCUIT.** | | |
| Outagamie* | 2d Monday of November...<br>2d Monday of March ..... | Appleton ..... | Ch. 25, G. L. 1871. |
| Oconto ... | 1st Tuesday after 3d Monday of October.....<br>1st Tuesday after 3d Monday of May..... ..... | Oconto ..... | Ch. 25, G. L. 1871. |
| Shawano.. | 1st Tuesday after 2d Monday of January.....<br>1st Tuesday after 3d Monday of June..... | Shawano..... | Ch. 25, G. L. 1871. |
| Door ..... | 1st Tuesday after 2d Monday of February .....<br>1st Tuesday after 2d Monday of July ..... | Sturgeon Bay.. | Ch. 25, G. L. 1871. |
| Brown..... | 2d Monday of September..<br>2d Monday of December...<br>1st Monday of April ..... | Green Bay.... | Ch. 25, G. L. 1871. |
| | **ELEVENTH CIRCUIT.†** | | |
| Bayfield & Ashland | 1st Tuesday after 2d Monday of July .....<br>2d Monday of January..... | Bayfield..... | Ch. 3, G. L. 1871. |
| Douglas .. | 3d Monday of June.....<br>2d Monday of December... | Superior City.. | Ch. 3, G. L. 1871. |
| Polk..... | 2d Monday in March.....<br>4th Monday in September.. | Osceola Mills .. | Ch. 3, G. L. 1871. |
| Burnett... | 1st Monday of March.....<br>1st Monday of September.. | Grantsburg.... | Ch. 83, G. L 1871. |
| | **TWELFTH CIRCUIT.** | | |
| Rock..... | 4th Monday of April .....<br>2d Monday of August .....<br>Wednesday next succeeding 1st Monday in November. | Janesville..... | Ch. 4, G. L. 1871. |

*Chapter 65, G. L. 1871 provides for a general term of the circuit court for Outagamie county, to be held on the first Monday of June, 1871, and that the provisions of chapter 25, G. L. 1871, shall not take effect in that county until the first day of August, 1871.

†Special terms for the transaction of all business not requiring the intervention of a jury, may be held as often as the judge shall direct.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | TWELFTH CIRCUIT—continued | | |
| Green .... | 1st Monday of March.....<br>2d Monday in July.....<br>1st Monday of October.... | Monroe ..... | Ch. 4, G. L. 1871. |
| Jefferson.. | 1st Monday of February...<br>4th Tuesday of June .....<br>1st Monday of September.. | Jefferson..... | Ch. 4, G. L. 1871. |

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